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ABSTRACT

These three volumes, compiled by the Great Lakes Area Regional Resource Center, provide information regarding state regulations for staff to student ratios and class size/caseload for special education programs. The first volume presents this information in a short form, in charts grouped according to handicapping condition alphabetically from state to state. In this form, state definitions of handicapping conditions and a synthesis of state policy regarding class size/caseload are included. Volumes 2 and 3 contain excerpts from state rules and regulations documents including definitions of handicapping conditions, eligibility criteria, age ranges, and personnel qualifications. (Author/PB)

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Staff to Student Ratios:
Class Size/Caseload

VOLUME 1

BASED ON HANDICAPPING CONDITIONS

(40 STATES)

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Compiled by:

Shirley E. Butler,
Program Assistance Specialist

Great Lakes Area Regional Resource Center
The Ohio State University
161 Rightmire Hall
1060 Carmack Road
Columbus, Ohio 43210

1986

This document is intended to provide information regarding state rules and regulations for staff to student ratios - class size/caseload for special education programs. Information is presented in two forms: short and long. Volume one (1), the short form, presents this information in chart form. The information has been grouped according to handicapping condition and compiled alphabetically by state. The charts include the state definition for the handicapping condition and a synthesis of the state policy regarding class size/caseload. Volumes two (2) and three (3), the long form, contains excerpts from State Rules and Regulations documents including: the definition for handicapping conditions; eligibility criteria; age range; and personnel qualifications. In some instances, it was necessary to excerpt information from more than one chapter of the state regulations. Therefore, page numbers may not always appear in consecutive or sequential order.

The following states are referenced:

Alabama
Arkansas
Arizona
Colorado
Connecticut
Delaware
District of Columbia
Florida
Georgia
Idaho
Illinois
Indiana
Iowa
Kentucky
Louisana
Maine
Maryland
Michigan
Minnesota
Mississippi

Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Rhode Island
Tennessee
Utah
Vermont
West Virginia
Wisconsin

TABLE OF CONTENTS

PAGE

I. INTRODUCTION 7

II. CHARTS: STAFF TO STUDENT RATIOS - CLASS SIZE/CASELOAD BASED ON HANDICAPPING CONDITIONS 9

1. DEAF/HARD OF HEARING 11
2. MENTALLY RETARDED 29
3. MULTIHANDICAPPED 51
4. ORTHOPEDICALLY IMPAIRED & OTHER HEALTH IMPAIRED 66
5. SERIOUSLY EMOTIONALLY DISTURBED 85
6. SPECIFICALLY LEARNING DISABILITY 109
7. SPEECH IMPAIRED 127
8. VISUALLY HANDICAPPED 145

III. STATE RULES, REGULATIONS AND GUIDELINES 163

1. Alabama
2. Arkansas
3. Arizona
4. Colorado
5. Connecticut
6. Delaware
7. District of Columbia
8. Florida
9. Georgia
10. Idaho
11. Illinois
12. Indiana
13. Iowa
14. Kentucky
15. Louisana
16. Maine
17. Maryland
18. Michigan
19. Minnesota
20. Mississippi
21. Missouri
22. Montana
23. Nebraska
24. Nevada
25. New Hampshire
26. New Jersey
27. New Mexico
28. New York
29. North Carolina
30. North Dakota
31. Ohio
32. Oklahoma
33. Oregon
34. Pennsylvania
35. Rhode Island
36. Tennessee
37. Utah
38. Vermont
39. West Virginia
40. Wisconsin

INTRODUCTION

Direct contact with state departments of special education and review of rules regulations and guidelines for special education programs indicates that 12 of the 40 states referenced in this document do not have specific staff to student ratios for class size/caseload. In those states, class size/caseload is based on instructional need, rather than handicapping conditions.

Specific Staff to Student Ratios for Special Education Programs*

- Alabama
- Arkansas
- Delaware
- District of Columbia
- Georgia
- Iowa
- Kentucky
- Lousiana
- Maine
- Michigan
- Minnesota
- Missouri
- Montana
- Nebraska
- Nevada
- New Jersey
- New York
- North Carolina
- North Dakota
- Ohio
- Oklahoma
- Pennsylvania
- Rhode Island
- Utah
- West Virgina
- Wisconsin

Class Size/Caseload Based on Instructional Need

- Arizona
- Connecticut
- Florida
- Idaho
- Indiana
- Maryland
- Mississippi
- New Hampshire
- New Mexico
- Oregon
- Tennessee
- Vermont

* There may be exception for some handicapping conditions.

II. CHARTS: STAFF TO STUDENT RATIOS - CLASS SIZE/CASELOAD BASED ON HANDICAPPING CONDITIONS

I. DEAF/HARD OF HEARING

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
ALABAMA	"DEAF" means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance. "HARD-OF-HEARING" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's performance but which is not included under the definition of "Deaf" given above. Policies and Procedures Manual: Program for Exceptional Children and Youth; Bulletin 1980; No. 31; p. 81.	Resource Room		15
		Self-Contained		10
		Policies and Procedures Manual: Program for Exceptional Children and Youth; Bulletin 1980; No. 31; p. 82.		
ARKANSAS	A. "DEAF" means a hearing impairment which is so severe that that the child is impaired in processing linguistic information through the hearing with or without amplification, which adversely affects educational performance. B. "HARD OF HEARING" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the condition of "deaf". 1. "Fluctuating Hearing Loss" -- the child with a fluctuating hearing impairment, such as one resulting from chronic otitis media, is classified as hearing impaired. 2. "Unilateral Hearing Loss" -- the child with a hearing loss in one ear would not be classified as handicapped under the category of hearing impaired. A referral conference activity should be held concerning this child to designate any program modifications and to specify participation in an annual hearing screening program. Program Standards and Eligibility Criteria for Special Education; p. 21-1 (1981).	Itinerant Instruction		20
		Resource Room		15
		Special Class		
		Mild to Moderate		10
		Severe to Profound		8
		Program Standards and Eligibility Criteria for Special Education; p. 4-1 (1981).		
ARIZONA	"HEARING HANDICAPPED" means a child who has a hearing deviation from the normal, as determined by evaluation pursuant to SS 15-766, which impedes his educational progress in the the regular classroom situation without the support of special classes or special services designed to promote his educational development is such that he is capable of being educated through a modified instructional environment. Arizona Revised Statutes: Annotated 1983 Special Pamphlet; Title 15 Education; CH 7; Sec. 15-761; p. 240.	... policy with regard to allowable pupil-teacher ratios and pupil-staff ratios within the district or county for provision of special education services. Arizona Revised Statutes: Annotated 1983 Special Pamphlet; Title 15 Education; CH 7; Sec. 15-764; p. 245.		

STATE | **HANDICAPPING CONDITION** | **STAFF TO STUDENT RATIO**

COLORADO

HEARING HANDICAP: A deficiency in hearing acuity, as demonstrated by a reduced threshold of auditory sensitivity to pure tones or speech, sufficient to affect the ability to communicate with others where, even with the help of amplification, the child requires supplementary assistance or modification of instructional methods and materials in order to communicate, function, and learn.

A hearing handicap is characterized by an average hearing loss of 20 decibels or greater in the better ear in the speech range, and one or more of the following characteristics:

(a) A delay in auditory discrimination, memory, discrimination between foreground and back ground sounds, and analysis and synthesis.

(b) Articulation distortions, omissions, substitutions, and additions.

(c) Lack of variety of pitch.

(d) Lack of appropriate loudness control.

(e) Inappropriate intonation and inflection.

(f) Cul de sac resonance due to retracted tongue.

(g) Language delay in vocabulary and syntax.

(h) Delay in reading due to language acquisition.

(i) Inattentive, inconsistent behavior.

(j) Aggressive behavior, including over de fensiveness.

(l) Low academic achievement.

1 Colorado Code of Regulations 301-8; Administration of The Exceptional Children's Act; p. 2 (1983).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Self-Contained		
Preschool		4
Elementary		6
Secondary		8
Resource Room		
Preschool		6
Elementary		8
Secondary		12
Itinerant Instruction		
Elementary		10
Secondary		15

1 Colorado Code of Regulations 301-8; Administration of The Exceptional Children's Act; p. 14 (1983).

CONNECTICUT

"HEARING IMPAIRED" means a child with a measurable hearing impairment which, with or without amplification, impairs linguistic processing and adversely affects educational performance. The term shall include both HARD OF HEARING and DEAF children.

Regulations Concerning Children Requiring Special Education: Section 10-76a to 10-761, Inclusive, of The General Statutes; p. 4 (1980).

The number and age range of children requiring special education and related services assigned to a class shall be such that the specifications of each child's individualized education program can be met.

Regulations Concerning Children Requiring Special Education: Section 10-76a to 10-761, Inclusive, of The General Statutes; p. 14 (1980).

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
DELAWARE	HEARING IMPAIRMENT An impairment within the auditory system which may interfere with, or preclude, the ability to consistently and appropriately interpret spoken language through audition. A child may be considered for a hearing impaired instructional unit if the auditory impairment hinders educational progress in a regular educational program. However, admission to or the establishment of a hearing impaired unit must be consistent with Section IV. E. (Audiologist) Administrative Manual for Programs for Exceptional Children; p. 22 (revised 1983).	Partially hearing impaired or hard-of-hearing		6
		Administrative Manual for Programs for Exceptional Children; Unit of Pupils, p. AI-12; (revised 1983).		
DISTRICT OF COLUMBIA	HEARING IMPAIRED is a generic term indicating a continuum of hearing loss from mild to profound as indicated on an audiogram. It includes subclassifications, deaf and hard of hearing. DEAF--A student whose impairment is so severe that he/she cannot process linguistic information through hearing, with or without amplification. HARD OF HEARING--A student who, with the use of a hearing aid, has residual hearing sufficient to enable successful processing of linguistic information through audition. State Requirements and Program Standards for Special Education in the District of Columbia; District of Columbia Board of Education; p. 32 (1986).	Deaf		
		Itinerant (caseload)		
		Elementary		25
		Secondary		25
		Part-time		
		Elementary		8
		Secondary		8
		Self-contained		
		Elementary		6
		Secondary		8
		Hard of Hearing		
		Itinerant(caseload)		
		Elementary		25
		Secondary		25
		Part-time		
		Elementary		10
		Secondary		10
		Self-contained		
		Elementary		8
		Secondary		8
		State Requirements and Program Standards for Special Education in the District of Columbia; District of Columbia Board of Education; p. 33 (1986).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
FLORIDA	HEARING IMPAIRED (a) DEAF - one who is born with or acquires prelingually, a hearing loss so severe unaided, that one cannot learn speech and language through normal channels; pure tone average of 500, 1000, 2000 Hz, at seventy (70) decibels or more, ANSI, in the better ear. (b) HARD OF HEARING - one who is born with or acquires a hearing loss which may range from mild to severe unaided and whose speech and language, though imperfect, are learned through normal channels; pure tone average of 500, 1000, 2000 Hz between thirty (30) and sixty-nine (69) decibels, ANSI, in the better ear. A Resource Manual for the Development and Evaluation of Special Programs for Exceptional Students. Volume I-B: Florida Statutes and State Board of Education Rules: Excerpts for Programs for Exceptional Students; 6A-6.3016; p. 48 (1982).	No regulations for class size/caseload ratios in State Board of Education Rules (1974). A Resource Manual for the Development and Evaluation of Special Programs for Exceptional Students. Volume I-B: Florida Statutes and State Board of Education Rules: Excerpts for Programs for Exceptional Students; 6A-6.3016; (1982).		
GEORGIA	A HEARING IMPAIRED child is one who exhibits a hearing loss which interferes with the acquisition or maintenance of auditory skills necessary for the development of speech, language and academic achievement. a. HARD-OF-HEARING is the absence of enough measurable hearing in both ears without amplification to limit the normal development of speech, language, auditory skills and academic achievement. A hard-of-hearing child is one that exhibits a pure tone average range of 30-60 decibels ANSI (American National Standards Institute). b. DEAF is the absence of enough measurable hearing in both ears without amplification to greatly impair the normal development of speech, language, auditory skills and academic achievement. A deaf child is one that exhibits a pure tone average of 65-90+ decibels ANSI. Georgia Department of Education Regulations and Procedures. VI: Program Areas; IDDF-26 (1984).	Preschool		6
		Self-Contained		8
		Resource Room/Itinerant Instruction		12
		Georgia Department of Education Regulations and Procedures. VI: Program Areas; IDDFd-27 (1984).		
IDAHO	(1) HARD OF HEARING - those students whose hearing impairment, whether permanent or fluctuating, adversely affects their educational performance but which is not included under the definition of deaf. (2) DEAF - those students whose hearing impairment is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance. Idaho State Board of Education Rules and Regulations Pertaining to Special Education and Federal Regulations Under PL 94-142; Alphabetical Definition of Terms; 1.9; p. 3 (1983).	Non-categorical service delivery system. Idaho State Board of Education Rules and Regulations Pertaining to Special Education and Federal Regulations Under PL 94-142; Alphabetical Definition of Terms; pp. 46-47, 52, 54 (1983).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
ILLINOIS	HEARING IMPAIRMENT The child's residual hearing is not sufficient to enable him or her to understand the spoken word and to develop language, thus causing extreme deprivation in learning communication. Or the child exhibits a hearing loss which prevents full awareness of environmental sounds and spoken language, limiting normal language acquisition and learning achievement. Rules and Regulations to Govern the Administration and Operation of Special Education, Article IX Identification, Evaluation, and Placement of Exceptional Children 9.16, p. 39 (1979).	Instructional program Rules and Regulations to Govern the Administration and Operation of Special Education, Article IV Special Education Instructional and Resource Program, 4.04, 3 and 5 p. 15 (1979).	8	12
INDIANA	HEARING IMPAIRED The term hearing impaired refers to children who are deaf or hard of hearing. The term deaf means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing with or without amplification, which adversely affects educational performance. The term hard of hearing means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition of deaf. Children with hearing impairments are those who require a variety of special education services, placement, and programming determined by the age of onset of the hearing loss, the nature and/or degree of hearing loss, and the ability of the child to function within the group structure. Rules, Regulations and Policies Adopted and Promulgated by the Commission on General Education of the Indiana State Board of Education. State of Indiana Rule S-1, Section 4 Special Education Programs for Handicapped Children C. 1. Definition p. 24 (1978).	Class sizes and caseloads shall be limited in number to allow the teacher to meet the individual needs of each child enrolled as specified in the child's individualized education program. The class size and caseload shall be determined by: (a) The severity of the handicapping conditions of the children to be enrolled; (b) The types and intensity of instruction needed; (c) The children's ages; (d) The availability of paraprofessionals; and (e) The related services to be provided outside the classroom by other personnel. Caseload shall be determined, in the case of the instructional resource service, by the number of schools and the distance between schools served. In addition, if the teacher is not assigned to a full-time special education position, the caseload shall be adjusted. Rules, Regulations and Policies Adopted and Promulgated by the Commission on General Education of the Indiana State Board of Education. State of Indiana Rule S-1, Section 4 Special Education Programs for Handicapped Children C. 4. Placement c. Special Classes for the Hearing Impaired p. 25 (1978).		

STATE | HANDICAPPING CONDITION | STAFF TO STUDENT RATIO

IOWA

"HEARING IMPAIRMENT", a communication disability, is a loss of auditory sensitivity ranging from mild to profound which may affect one's ability to communicate with others.

1. "DEAF" pupils include those individuals whose hearing impairment is so severe that they do not learn primarily by the auditory channel even with amplification, and who need extensive specialized instruction in order to develop language, communicative and learning skills.

2. "HARD OF HEARING" pupils include those individuals whose level of communication ability is adequate to allow them to acquire speech and language and to learn by auditory means although they may experience difficulty, under certain circumstances, in oral communication, language and learning skills with or without amplification, and who may need various classroom and instructional modification in order to make full use of school experiences.

Public Instruction [670]; Special Education and Guidance; CH 12: Special Education; Division I - Scope, General Principles and Definitions. 670--12.3(281) Definitions; p. 3 (1985).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Resource Training Program		15
Special Class		
Elementary		10
Secondary		10
Self-contained Special Class w/Little Integration		
Preschool		8
Elementary		8
Secondary		10
Self-contained Special Class		
Severely Handicapped		5

Public Instruction [670]; Special Education and Guidance; CH 12: Special Education; Division I - Scope, General Principles and Definitions. 670—12.3(281) Definitions; p. 9 (1985).

KENTUCKY

An admissions and release committee shall determine that a child is HEARING IMPAIRED provided the following eligibility criteria are met:

1. The child has a hearing loss ranging from mild to profound.
2. The loss shall be to such a degree that he/she does not use, with or without amplification, normal communication skills effectively.
3. The loss shall be to such a degree that it adversely affects his/her educational performance.

Kentucky Administrative Regulations - Related to Exceptional Children, KAR7071:054; pp. 32-33 (1981).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Special Class Plan	3	6
Resource Plan (Classroom Teacher)	3	8
Resource Plan (Itinerant Teacher)	3	10

` No more than four (4) pupils, all within a four year age span, may be present in the resource room during any one period.

Kentucky Administrative Regulations - Related to Exceptional Children, KAR7071:054; p. 32 (1981).

LOUISIANA

HEARING IMPAIRED is a hearing loss which adversely affects a child's educational performance. The term "hearing impaired" includes both deaf and hard-of-hearing children. ({936)

DEAF is a severe hearing impairment with an unaided pure tone average of 500, 1000, 2000 Hz in the better ear of 70 decibels (ANSI) or more and which results in a defect in processing linguistic information through hearing, with or without amplification. ({923)

Louisiana's Law for Exceptional Students. Bulletin 1706; Regulations for Implementation of The Exceptional Children's Act (RS 17:1941 et seq); p. 102, 105 (1983).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Preschool	4	7
Elementary	4	9
Secondary	4	9

Louisiana's Law for Exceptional Students. Bulletin 1706; Regulations for Implementation of The Exceptional Children's Act (RS 17:1941 et seq); p. 121 (1983).

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
MAINE	AUDITION The child's impairment is such that a program of auditory enrichment and/or a specialized education is required to provide for the child's educational progress and potential. Maine's Special Education Regulations: Statute #3123-Definitions; p. 15 (1981).	**Self-Contained**		*
		Primary Level (ages 5-9)		5(+3)
		Intermediate (ages 10-14)		8(+4)
		Advanced (ages 15-20)		8(+4)
		* ... represents the number of additional students who can be included in a self-contained program during the time that a teacher aide, teacher assistant or teacher associate works in the same room. ... a resource program or services shall not exceed a total of 50 to 1. Maine's Special Education Regulations: Statute #3123-Definitions; p. 33-34 (1981).		
MARYLAND	"DEAF" means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance. "HARD-OF-HEARING" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition of "deaf" in this section. Maryland State Board of Education. Title 13A, Subtitle 05 Special Instructional Programs, Chapter 01 Programs for Handicapped Children, .02(h) Definitions; p. 1-2 (amended 1980).	Service delivery by levels (Levels I, II, III, IV, V). Maryland State Board of Education. Title 13A, Subtitle 05 Special Instructional Programs, Chapter 01 Programs for Handicapped Children, .02(h) Definitions; pp. 17-19 (amended 1980).		
MICHIGAN	HEARING IMPAIRED The hearing impaired shall be determined through manifestation of a hearing impaired which adversely affects educational performance. Michigan Special Education Rules; Part I. General Provisions. R340.1707; Determination of Hearing Impaired Rule 7 p. 5 (1983).	Special Class		7
		Special Class - Secondary level		10
		Michigan Special Education Rules; Part III. Administration of Programs and Services. R340.1742; Hearing Impaired Programs; effective dates. Rule 42 p. 20 (1983).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
MINNESOTA	DEAF Deaf means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance. HARD OF HEARING Hard of hearing means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition of "deaf" in this section. Education of the Handicapped Act, PL 94-142, Subchapter 1-General Provisions, Section 140.1, Reg. 300.5(b), (1)(3).	The following table sets forth by levels of service the maximum number of school-age pupils that may be assigned to a teacher. "Caseload" means the number of pupils taught.		
		Level 4		3
		With one aide		6
		Level 5 and 6 - with one aide		4
		With two aides		6
		Revised Special Education Rules, CH 7; 3525.2340 SCHOOL-AGE LEVELS OF SERVICE. Subpart 3. Case loads for school-age levels of service. p. 19 (1984).		
MISSISSIPPI	HEARING IMPAIRED includes both DEAF and HARD OF HEARING persons. Deaf means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance. Hard of hearing means a hearing impairment, whether permanent or fluctuating, which adversely affects the child educational performance. Hard of hearing children have sufficient hearing to allow them to process information through the auditory channel. Regulations for the Operation of the Mississippi Program for Exceptional Children; Program Placement Options to be Considered; p. 65A (1983).	... no label should predetermine the services needed. The needs of the child as determined by the IEP process should be the basis for program placement for all children. Regulations for the Operation of the Mississippi Program for Exceptional Children; Program Placement Options to be Considered; p. 27 (1983).		
MISSOURI	"HEARING IMPAIRED" is a generic term including both DEAF and HARD OF HEARING which refers to students with any type or degree of hearing loss that has caused an educational deficit. "DEAF" refers to those hearing impaired students with a loss so severe that it precludes the use of the auditory channel as the primary means of developing speech and language skills. "HARD OF HEARING" refers to those hearing impaired student with a permanent or fluctuating loss which is less severe and permits the use of the auditory channel as the primary means of developing speech and language skills. Missouri State Plan for Special Education, FY 84-86, Resource Guide for Special Education, Volume I-B; p. A-17 (amended 1983).	Itinerant Instruction	10	20
		Resource Room	8	15
		Self-Contained	5	8
		Missouri State Plan for Special Education, FY 84-86, Resource Guide for Special Education, Volume I-B; p. A-22 (amended 1983).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
MONTANA	"DEAF" means a hearing impairment which is so severe that the child's hearing is nonfunctional for the purpose of educational performance. "HARD-OF-HEARING" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included in the definition of deaf. Montana Laws and Rules - Special Education Reference Manual; pp. 2-3 (1983).	Itinerant Instruction	15	60
		Speech and Hearing Service	15	60
		Speech Pathologist	15	60
		Montana Laws and Rules - Special Education Reference Manual; p. 11 (1983).		
NEBRASKA	ACOUSTICALLY HANDICAPPED (AH) children shall mean child who, by reason of their physical defects, are unable to attend regular Public School classes, are not physically adapted to hold full-time membership in regular school facilities, or who, in order to profit from regular school instruction, need facilities and procedures not available in the regular public school classes attended by physically normal children. Nebraska Department of Education Rule 51: Regulations for School Age Special Education Programs; Title 92, Nebraska Administrative Code. CH 51; p. 4 (1981).	Level I		20
		Level II Special Education Classroom		10
		Nebraska Department of Education Rule 51: Regulations for School Age Special Education Programs; Title 92, Nebraska Administrative Code. CH 51; p. 20-21 (1981).		
NEVADA	AURALLY HANDICAPPED means an impairment of hearing function sufficient to prevent or delay the child's normal development of speech and language or present barriers to the acquisition of academic and/or social skills. DEAF means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance. HARD-OF-HEARING means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance, but which is not included under the definition of deaf in this section. Standards for Administration of Special Education Programs, Nevada Department of Education; p. 20 (1985).	Size (Instructional Period)		6
		Caseload (Special Education Program)		20
		Standards for Administration of Special Education Programs, Nevada Department of Education; p. 20 (1985).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
NEW HAMPSHIRE	"DEAF" means a hearing impairment which is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance. "HARD-OF-HEARING" means a hearing impairment, whether permanent or fluctuating, which adversely affects a student's educational performance but which is not included under the definition of "deaf" in this section. New Hampshire State Board of Education, New Hampshire Standards for the Education of Handicapped Students; p. 5 (1981).	The class shall be organized either on a categorical basis or according to the degree of severity of the handicapping condition. New Hampshire Board of Education - New Hampshire Standards for the Education of Handicapped Students; ED 1119.05 Class Size and Range; p. 49 (1981).		
NEW JERSEY	"AUDITORILY HANDICAPPED" means an inability to hear within normal limits due to physical impairment or dysfunction of auditory mechanisms characterized by (i) or (ii) below. Evaluations by a specialist qualified in the field of audiology and a speech and language evaluation by a certified speech correctionist are required. i. The pupil is impaired in processing linguistic information through hearing, with or without amplification, and ii. The loss of hearing may be permanent or fluctuating and adversely affects a pupil's education. New Jersey Administrative Code, Title 6 Education, Subtitle F Division of Special Education, CH 28 Special Education; p. 36 (1984).	Special Class * ... maximum class sizes may be increased no more than one-third with the addition of a classroom aide ... New Jersey Administrative Code, Title 6; Education, Subtitle F; Division of Special Education; Chapter 28 Special Education; pp. 56-57 (1983).		8
NEW MEXICO	HEARING IMPAIRED The hearing impaired child is one whose loss of auditory acuity delays, inhibits, or prohibits the development of speech and language and academic achievement. a. HARD OF HEARING -- Includes those whose hearing level or speech is adequate to allow them to acquire speech and language by auditory means, although they may experience difficulty under certain circumstances in verbal communication with or without a hearing aid or other amplification equipment. b. DEAF -- Includes those whose hearing impairment is so severe that they do not learn primarily by the auditory channel even with a hearing aid and need extensive special instruction to develop communicative and language skills. Educational Standards for New Mexico Schools, Standards for Special Education; p. B-48 (1985).	Recommendations for program needs of an exceptional child is to be based on the severity of special educational need(s), rather than the handicapping condition. New Mexico State Board of Education; Educational Standards for New Mexico Schools. Basic, Special Education, Vocational Programs, Section B - Special Education Program Standards; 2-4 (1985).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
NEW YORK	DEAF. A pupil with a hearing impairment which is so severe that the pupil is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.	Deaf		
		Special Class		
		Elementary		10
		Secondary		15
	HARD OF HEARING. A pupil with a hearing impairment, whether permanent or fluctuating, which adversely affects the child's educational performance but which is not included under the definition of deaf in this section.	Regulations of the Commissioner of Education, Subchapter P. Part 200 - Handicapped Children; 200.1 Definitions.; p. 52 (1984).		
	Regulations of the Commissioner of Education, Sub Chapter P. Part 200 - Handicapped Children; 200.1 Definitions. p. 4 (1984).			
NORTH CAROLINA	HEARING IMPAIRED. Hearing impaired children are those with hearing losses which are handicapping educationally and developmentally. The term "hearing impaired" is a generic term that includes both HARD OF HEARING and DEAF children. Hard of hearing children are those whose hearing is defective but still functional, with or without a hearing aid, for the ordinary purposes of life. Deaf children are those whose hearing is not functional for the ordinary purposes of life.	Regular Class (per class)		20
		Part-Time Special Class		10*
		Full-Time Self-Contained Special Class (with one teacher and one aide)		
		Preschool		7
		Elementary		7
		Secondary		9
		Severely-Handicapped		4
	Rules Governing Programs and Services for Children with Special Needs, Section .1501 Definitions; p. 2 (1980).	* up to 20 pupils per day		
		Rules Governing Programs and Services for Children with Special Needs, Section .1501 Definitions; pp. 38-40 (1980).		
NORTH DAKOTA	HEARING IMPAIRED students include both DEAF children and HARD OF HEARING students. Deaf students are those for whom hearing cannot be used as a major sensory pathway for learning. Hard of hearing students can use amplified sound as a major channel of learning.	Resource Room	3	10
		* Ages of students in a self-contained class should not exceed a three year age spread.		
	Special Education in North Dakota; Guide I - Laws, Policies and Regulations for Special Education for Exceptional Children; p. IV-25 (1982).	Special Education in North Dakota; Guide I - Laws, Policies and Regulations for Special Education for Exceptional Children; p. IV-25 (1982).		
OHIO	DEAF	Special Class	6	10
	Deaf means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affect educational performance.	Rules for the Education of Handicapped Children, 3301-51-04 Special Education Programs for Handicapped Children. p. 55 (1982).		
	HARD OF HEARING			
	Hard of hearing means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition of deaf as defined in paragraph (K) of this rule.			
	Rules for the Education of the Handicapped Children, 3301-51-01 Definitions. K. p. 5 and V. p. 6 (1982).			

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
OKLAHOMA	"DEAF" means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance. "HARD-OF-HEARING" means a HEARING IMPAIRMENT, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition of "deaf" in this section. Policies and Procedures Manual for Special Education in Oklahoma, C. Category Definitions, State Regulations and Class Size; p. 7 (1982).	Class 40 minimum decibels loss or hearing impairment	3	15
		Policies and Procedures Manual for Special Education in Oklahoma, C. Category Definitions, State Regulations and Class Size; p. 35 (1982).		
OREGON	DEAF means a hearing impairment is so severe that the child's hearing, with amplified sound, is nonfunctional for the purpose of educational performance. HARD OF HEARING means a hearing condition, which is functional with or without amplified sound, and adversely affects a child's educational performance. Oregon Administrative Rules, CH 581, Division 15 - Department of Education; p. 1 (1984).	The education program shall maintain pupil/teacher ratio at all unstructured levels that are functional in view of the purposes of the student groupings. Pupil/teacher ratio shall be of such a nature that all enrolled pupils will have access to individualized instruction. Oregon Administration Rules, CH 581, Division 15 - Department of Education; p. 19 (1984).		
PENNSYLVANIA	HEARING IMPAIRED A hearing loss ranging from mild (hard of hearing) to profound (deaf), which interferes with the development of the communication process and results in failure to achieve full educational potential. A person shall be assigned to a program for hearing impaired when the evaluation and Individualized Education Program indicate that such a program is appropriate, provided that the evaluation includes a report by an audiologist and otologist. DEAF and SEVERELY HEARING IMPAIRED DEAF--A person who has a hearing impairment which is so severe that the person does not learn primarily by the auditory channel, even with a hearing aid, and requires extensive instruction to develop communicative and learning skills. In order to meet this subclause, and evaluation of a person as deaf should include an examination by an audiologist and otologist and a separate report about the nature and degree of the hearing impairment. Standards for Special Education, 22 PA. Code CH 341, Section 341.1 Definitions (b) 2 p. 1 and 7 (iv) p. 3 (1977).	Hearing Impaired Itinerant Elementary	15	50
		Secondary	15	50
		Resource Elementary	5	15
		Secondary	5	15
		Part Time Elementary	6	10
		Secondary	6	10
		Full Time Elementary	5	8
		Secondary	5	8
		Standards for Special Education, 22 PA. Code CH 341, Section 341.35 Approval of Plans, Constant Enrollment by Organizational Patterns; p. 14.		

STATE — **HANDICAPPING CONDITION** — **STAFF TO STUDENT RATIO**

PENNSYLVANIA
cont'd

SEVERELY HEARING IMPAIRED--A person who is not deaf but who displays a pure tone average of 60 decibels or more loss in both ears. In order to meet this subclause, an evaluation of a person as severely hearing impaired shall include an examination by an audiologist and otologist and a separate written report about the nature and degree of the hearing impairment and evaluation which identifies the person's other severe handicapping conditions. For the purposes of this subparagraph severe hearing impairment will be recognized only if it exists in conjunction with another severe handicapping condition.

Standards for Special Education, 22 PA. Code CH 341, Section 341.1 Definitions (b) 2 p. 1 and 7 (iv) p. 3 (1977).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Hearing Impaired		
Itinerant		
Elementary	15	50
Secondary	15	50
Resource		
Elementary	5	15
Secondary	5	15
Part Time		
Elementary	6	10
Secondary	6	10
Full Time		
Elementary	5	8
Secondary	5	8

Standards for Special Education, 22 PA. Code CH 341, Section 341.35 Approval of Plans, Constant Enrollment by Organizational Patterns; p. 14.

RHODE
ISLAND

The HEARING DISORDERED: A child who exhibits a loss of auditory sensitivity sufficiently severe to affect the child's ability to communicate with others.

> DEAF children includes those those hearing impairment is so severe that they do not learn primarily by the auditory channel even with a hearing aid and need extensive special instruction to develop communication and learning skills.
>
> HARD-OF-HEARING children include those whose hearing level for speech is adequate to allow them to acquire speech and language and learn by auditory means although they may experience difficulty, under certain circumstances. In verbal communication with or without a hearing aid or other amplification equipment.

Education for Handicapped Children, Regulations of the Board of Regents Governing the Special Education of Handicapped Children; p. 3 (amended 1980).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Self-contained, Special Classes		
Part-time or Full-time for mildly and moderately handicapped children, with a teacher's aide.		8
Severely, Profoundly and Multi-handicapped Class		
With a full-time teacher's aide		6
Without an aide		3

Education for Handicapped Children, Regulations of the Board of Regents Governing the Special Education of Handicapped Children; p. 32 (amended 1980).

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
TENNESSEE	HEARING IMPAIRED Hearing impairment is an all inclusive term which refers to any type or degree of hearing loss, ranging from mild to profound, and includes both DEAF and HARD OF HEARING. DEAF -- A child whose hearing impairment is so severe that learning is not acquired primarily through the auditory channels even with amplification, is considered deaf. A deaf child needs extensive special instruction to develop communicative and learning skills. HARD OF HEARING -- A child described as hard of hearing has sufficient residual hearing for communication with others, with or without amplification. This hearing impairment, whether permanent or fluctuating, may adversely affect educational performance. Rules, Regulations and Minimum Standards for the Governance of Public Schools in the State of Tennessee, CH 0520-1-3; p. 81 (1982).	In grades kindergarten through 12, maximum membership of any class shall not exceed: (i) Kindergarten - 25 pupils (ii) Grades 1 through 3 - 25 pupils (iii) Grade 4 - 28 pupils (iv) Grades 5 through 6 - 30 pupils (v) Grades 7 through 12 - 35 pupils This regulation should not be interpreted to prohibit ungraded classes, team teaching, individualized instruction, or other such programs designed to meet student needs, if the teacher's weekly pupil load is compatible with the above regulation. Rules, Regulations and Minimum Standards for the Governance of Public Schools in the State of Tennessee, CH 0520-1-3; p. 45 (1982).		
UTAH	HEARING IMPAIRED - HARD OF HEARING 1. Hearing Impairment. A hearing impairment is a generic classification of hearing loss including the terms "DEAF" and "HARD OF HEARING". Hearing loss limits the transmission of sound signals through the human organs of hearing. It includes a conductive or sensorineural loss or combination thereof. A conductive loss results when there is damage to either the cochlea or auditory nerve. A combined loss occurs when all organs of hearing as described are affected. 2. HARD OF HEARING. A hearing impairment, whether permanent or fluctuating, which adversely affects a child's education performance but which is not included under the category of "deaf" in this section. Rules and Regulations for Education Programs for the Handicapped. Utah State Office of Education; p. 54 (1981).	Self-Contained Special Class		15
		Resource Room		20
		Rules and Regulations for Education Programs for the Handicapped. Utah State Office of Education; p. 20 (1981).		
VERMONT	Children who are HEARING HANDICAPPED must learn to communicate even though their auditory reception is impaired. A variety of programs are needed. Certain profoundly deaf children may need residential education; others may learn through a program of special education services. Whatever is required for the proper education of the hearing handicapped child must be provided. Special Education and Pupil Personnel Services: Policies and Regulations of the Program for the Education of Handicapped Pupils; p. 44 (1975).	In determining an appropriate size or caseload, consideration shall be given to the unique educational requirements of the pupils who comprise the class roster or caseload. Adjustments shall be made to account for the nature and severity of the pupil's unique needs. Special Education Rules From the Vermont State Board of Education Manual of Rules and Practices; 2365.1.2, p. 6 (1982).		

STATE

WEST VIRGINIA

HANDICAPPING CONDITION

HEARING IMPAIRED students are those whose auditory acuity delays prohibit the development of speech, language and academic achievement and are classified as deaf or hard of hearing. The generic term hearing impaired is to include every student with a hearing loss whether permanent or fluctuating that is developmentally and educationally handicapping.

a. The HARD-OF-HEARING student is:

   1) Educational Interpretation

      (a) A hearing impaired student in whom the sense of hearing although defective is functional with or without a hearing aid, but whose hearing loss causes a language deficit rendering him unable to make full use of the regular school experience without special services.

      (b) A hearing impaired student characteristically speaks defectively, misunderstands others, learns vocabulary and sentence structure more slowly or to a lesser extent than does the normal hearing student.

b. The DEAF student is:

   1) Educational Interpretation - A hearing impaired student with profound or total loss of auditory sensitivity, which under the most ideal listening and herring-aid conditions, does not allow him to hear the speech signal or perceive so little of it that hearing cannot serve as a modality of acquisition of spoken language, or for the monitoring of speech, without special education.

   2) Audiological Interpretation - A hearing impaired student who has a hearing loss approaching an average of 93 decibels or greater across the speech range in the better ear without a hearing aid.

West Virginia Department of Education, Office of Special Education Administration. Regulations for the Education of Exceptional Students; p. 63 (1983).

STAFF TO STUDENT RATIO

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Regular Education Program		
With modification		20
With resource service		10
Self-Contained		
Without full-time aide		4
With full-time aide		8

West Virginia Department of Education, Office of Special Education Administration. Regulations for the Education of Exceptional Students; pp. 4-5 (1983).

STATE | **HANDICAPPING CONDITION** | **STAFF TO STUDENT RATIO**

WISCONSIN

HEARING HANDICAPPED

An auditory handicap is determined by medical (otologic) and audiologic evaluations. Examination shall be done by a physician specializing in diseases of the ear and evaluation by a certified clinical audiologist. The loss in hearing acuity affects the normal development of language and is a medically irreversible condition for which all medical interventions have been attempted. The hearing loss affects a child in varying degrees, depending on the time the loss was sustained.

a. The HARD OF HEARING child means a child who , with a hearing aid, can develop a language system adequate to successful achievement and social growth. Audiological assessment should indicate at least a 30 db loss in the better ear in the speech range. Difficulty in understanding conversational speech as it takes place in a group necessitates special considerations.

b. SEVERELY HANDICAPPED HEARING child means a child who, with or without a hearing aid is unable to interpret adequately aural/oral communication. Audiological assessment indicates a minimum loss of 70 db in the better ear. Inability to discriminate all consonants and other difficulties appear as the loss becomes greater.

Rules Implementing Subchapter IV of CH 115, Wisconsin Statues, CH PI, PI 11.34 Eligibility (2) HANDICAPPING CONDITION (g) pp. 123-124 (1981).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Hearing Handicapped		
Self-contained Complete		
Early Education	4	5
Primary	4	9
Intermediate	4	9
Elementary Wide Range	4	7
Middle/Junior	4	7
Senior	4	7
Secondary Wide Range	4	7
Self-contained Modified		
Early Education	4	6
Primary	4	9
Intermediate	4	9
Elementary Wide Range	4	7
Middle/Junior	4	7
Senior	4	7
Secondary Wide Range	4	10
Self-contained Integrated		
Early Education	4	6
Primary	4	9
Intermediate	4	10
Elementary Wide Range	4	8
Middle/Junior	4	9
Senior	4	9
Secondary Wide Range	4	10
Resource		
Primary	5	10
Intermediate	5	10
Elementary Wide Range	5	9
Middle/Junior	5	10
Senior	5	10
Secondary Wide Range	5	9
Itinerant		
Primary	5	10
Intermediate	5	10
Elementary Wide Range	5	9
Middle/Junior	5	10
Senior	5	10
Secondary Wide Range	5	9

MINIMUMS AND MAXIMUMS MAY BE NEGOTIATED BY CONTACTING THE APPROPRIATE DHC SUPERVISOR IN ADVANCE OF PROGRAM IMPLEMENTATION AND WITH JUSTIFIABLE RATIONALE.

Wisconsin Division for Handicapped Children, Bulletin No. 83.1 Minimum/Maximum Enrollment Criteria for 1983-84.

2. MENTALLY RETARDED

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
ALABAMA	"MENTALLY RETARDED" means sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period which adversely affects a child's educational performance. a. "EDUCABLE MENTALLY RETARDED" children and youth Psychometrically manifest an intelligent quotient between 50 and 75 and minimal deficits in adaptive behavior. b. "TRAINABLE MENTALLY RETARDED" children and youth Psychometrically manifest an intelligence quotient between 25 and 49 and major deficits in adaptive behavior. c. "PROFOUNDLY MENTALLY RETARDED" children and youth Psychometrically, the Profoundly Mentally Retarded manifest an intelligence quotient below 25 and serious deficiencies in adaptive behavior. Policies and Procedures Manual: Program for Exceptional Children and Youth; Bulletin 1980; No. 31; pp. 94-95.	Educable Mentally Retarded		
		Resource Room		20
		Self-Contained		15
		Trainable Mentally Retarded		
		Resource Room		15
		Self-Contained		12
		Profoundly Mentally Retarded		
		Resource Room		5
		Self-Contained		5
		Policies and Procedures Manual: Program for Exceptional Children and Youth; Bulletin 1980; No. 31; p. 97.		
ARKANSAS	"MENTALLY RETARDED" means significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance. Program Standards and Eligibility Criteria for Special Education; p. 18-1 (1981).	Resource Room		30
		Special Class		
		Mild to Moderate Retardation		15
		Moderate to Severe Retardation		10
		Severe to Profound Retardation		5
		Program Standards and Eligibility Criteria for Special Education; p. 4-1 (1981).		
ARIZONA	a) "EDUCABLE MENTALLY HANDICAPPED" means a child who because of his intellectual development, as determined by evaluation pursuant to {15-766, is incapable of being educated effectively through regular classroom instruction without the support of special classes or special services designed to promote his educational development. Arizona Revised Statutes: Annotated 1983 Special Pamphlet; Title 15 Education; CH 7; Sec. 15-761; p. 240. (i) "TRAINABLE MENTALLY HANDICAPPED" means a child who because of his intellectual development, as determined by evaluation pursuant to SS 15-766, is incapable of being educated in regular classroom programs or educable mentally handicapped programs without the support of special classes or special services designed to promote his educational development. Arizona Revised Statutes: Annotated 1983 Special Pamphlet; Title 15 Education; CH 7; Sec. 15-761; p. 241.	... policy with regard to allowable pupil-teacher ratios and pupil-staff ratios within the district or county for provision of special education services. Arizona Revised Statutes: Annotated 1983 Special Pamphlet; Title 15 Education; CH 7; Sec. 15-761; p. 245.		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
		Program Type	Class Size/Caseload Minimum	Maximum
DELAWARE	MENTAL RETARDATION Eligibility is based upon the American Association of Mental Deficiency (AAMD) definition: "Mental retardation refers to significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior, and manifested during the developmental period". All student assessment for level of retardation and educational placement, must be considered in relation to the assessed functioning level both in adaptive behavior and in the level of intellectual functioning. Certification of eligibility shall be determined both by an individual psychological evaluation of sub-average general intelligence and by adaptive behavior as defined by the AAMD. Examples are: a. EDUCABLE MENTALLY HANDICAPPED shall range be between 75 and 50 I.Q. points inclusive. Maturation and development up to age five may be described as limited or poor social awareness, fair motor development, ability to talk and communicate, need for greater self-help skills, manageable with moderate supervision. Training and development from ages six to 21: Able to learn functional academic skills; cannot learn general high school subjects. (Psychologist) b. TRAINABLE MENTALLY HANDICAPPED shall range between 55 and 35 I.Q. points. Maturation and development from zero to age five; speech is minimal; little or no communication skills; generally unable to perform independently. Training and development from ages six to 21: Can learn to talk and communicate, can learn elementary health habits, cannot learn functional academic skills; profits from systematic habit training. (Psychologist). c. SEVERELY MENTALLY HANDICAPPED shall be in the range below 35 I.Q. points. Maturation and development from zero to age five: Gross retardation; minimal capacity for functioning in sensori-motor areas; needs nursing care. Training and development from ages six through 20 inclusive: Some motor development present; is incapable of being trained in total self-care, socialization or economic usefulness and needs help in taking care of person needs. (Psychologist) Administrative Manual for Programs for Exceptional Children; p. 24 (1983).	Educable mentally handicapped Administrative Manual for Programs for Exceptional Children; Units of Pupils, p. AI-12 (revised 1983).		15
		Trainable mentally handicapped		6
		Severely mentally handicapped Administrative Manual for Programs for Exceptional Children; p. 33 (revised 1983).		6

STATE | **HANDICAPPING CONDITION** | **STAFF TO STUDENT RATIO**

DISTRICT OF
COLUMBIA

MENTALLY RETARDED means a student with significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects educational performance.

A student is **MILDLY RETARDED** if he meets the following criteria as certified by a psychologist:

- The intelligence range is fifty to seventy (50-70) in consideration of more than two standard deviations below the mean of an individual standardized intelligence test; and
- Measured intelligence falls between two (2) and three (3) standard deviations below the mean and the assessed adaptive behavior shall fall below age and cultural exceptations; and...

A student is **MODERATELY RETARDED** if he meets the following criteria as certified by a psychologist:

- Intelligence range is thirty-five to fifty-five (35-55); and
- Measured intelligence falls between three (3) and four (4) standard deviations below the mean and the assessed adaptive behavior is below age and cultural expectations; and...

A student is **SEVERELY RETARDED** if he meets the following criteria as certified by a psychologist:

- Intelligence range is below forty (40) in consideration of five (5) standard deviations below the mean on an individualized intelligence test; and...
- Presence of subaverage intellectual functioning existing concurrently with deficits in adaptive behavior; and...

A student is **PROFOUNDLY RETARDED** if he meets the following criteria as certified by a psychologist:

- Intelligence range below twenty (20), in consideration of five (5) standard deviations below the mean on an individual standardized intelligence test; and...
- Presence of subaverage intellectual functioning existing concurrently with deficits in adaptive behavior; and...

State Requirements and Program Standards for Special Education in the District of Columbia; District of Columbia Board of Education; pp. 23-24 (1986).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
MILDLY RETARDED*(1)		
Itinerant		
Elementary		25
Secondary		30
Part-time		
Elementary		15
Secondary		15
Self-contained		
Elementary		12
Secondary		12
MODERATELY RETARDED*(2)		
Itinerant		
Elementary		15
Secondary		15
Part-time		
Elementary		12
Secondary		12
Self-contained		
Elementary		10
Secondary		10
SEVERELY RETARDED*(3)		
Self-contained		
Elementary		7
Secondary		7
PROFOUNDLY RETARDED*(4)		
Self-contained		
Elementary		6
Secondary		6

*(1) With the assignment of an aide the caseload may be increased by no more than 3 students.
*(2) With the assignment of an aide the caseload may be increased by no more than 2 students.
*(3) With the assignment of an aide the caseload may be increased by no more than 2 students.
*(4) With the assignment of an aide the caseload may be increased by no more than 1 student.

State Requirements and Program Standards for Special Education in the District of Columbia; District of Columbia Board of Education; pp. 25-26 (1986).

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
FLORIDA	(1) MENTALLY RETARDED - one who is significantly impaired in general intellectual functioning concurrent with deficits in adaptive behavior which are manifested during the developmental period. For purposes of funding, mentally retarded students shall be classified as: (a) EDUCABLE MENTALLY RETARDED - one who is mildly impaired in intellectual and adaptive behavior and whose development reflects a reduced rate of learning. The measured intelligence of an educable mentally retarded student generally falls between two (2) and three (3) standard deviations below the mean and the assessed adaptive behavior falls below age and cultural expectations. (b) TRAINABLE MENTALLY RETARDED - one who is moderately or severely impaired in intellectual and adaptive behavior and whose development reflects a reduced rate of learning. The measured intelligence of a trainable mentally retarded student generally falls between three (3) and five (5) standard deviations below the mean and the assessed adaptive behavior falls below age and cultural expectations. (c) PROFOUNDLY MENTALLY RETARDED - one who is profoundly impaired in intellectual and adaptive behavior and whose development reflects a reduced rate of learning. The measured intelligence of a profoundly retarded student generally falls below five (5) standard deviations below the mean and the assessed adaptive behavior falls below age and cultural expectations. A Resource Manual for the Development and Evaluation of Special Programs for Exceptional Students. Volume I-B: Florida Statutes and State Board of Education Rules: Excerpts for Programs for Exceptional Students; 6A-6.3016; p. 47 (1982).	No regulations for class size/caseload ratios in State Bod of Education Rules (1974). A Resource Manual for the Development and Evaluation of Special Programs for Exceptional Students. Volume I-B: Florida Statutes and State Board of Education Rules: Excerpts for Programs for Exceptional Students; 6A-6.3016 (1982).		
GEORGIA	MENTALLY HANDICAPPED refers to significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior which adversely affect educational performance and is manifested during the developmental period. A student may be classified mentally handicapped at one of the levels listed below. a. MILDLY MENTALLY HANDICAPPED b. MODERATELY MENTALLY HANDICAPPED c. SEVERELY MENTALLY HANDICAPPED d. PROFOUNDLY MENTALLY HANDICAPPED Georgia Department of Education Regulations and Procedures. VI: Program Areas; IDDFd3-17 and 18 (1984).	Self-Contained		
		Mildly mentally handicapped		14
		Moderately mentally handicapped		10
		Severely/Profoundly mentally handicapped	4	6
		Resource		
		Mildly mentally handicapped		24
		Itinerant		
		Mildly mentally handicapped		20
		Georgia Department of Education Regulations and Procedures. VI: Program Areas; IDDFd3-18-1 (1984).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
IDAHO	**MENTALLY RETARDED.** Significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period which adversely affects a child's educational performance. For delineation of levels of severity (mild, moderate, severe and profound), see Appendix B. Idaho State Board of Education Rules and Regulations Pertaining to Special Education and Federal Regulations Under PL 94-142; 1.20; p. 5 (1983).	Non-categorical service delivery system. Idaho State Board of Education Rules and Regulations Pertaining to Special Education and Federal Regulations Under PL 94-142; Alphabetical Definition of Terms; 1.9; pp. 46-48, 52, and 54 (1983).		
ILLINOIS	**MENTAL IMPAIRMENT** The child's intellectual development, mental capacity, adaptive behavior, and academic achievement are markedly delayed. Such mental impairment may be mild/moderate, severe, or profound. Rules and Regulations to Govern the Administration and Operation of Special Education, Article IX Identification, Evaluation, and Placement of Exceptional Children 9.16, p. 40 (1979).	Instructional Program		
		Severe		10
		Mild/Moderate		12
		Rules and Regulations to Govern the Administration and Operation of Special Education, Article IV Special Education Instructional and Resource Program, 4.04, 4 p. 15 (1979).		
INDIANA	**MENTALLY HANDICAPPED** A mentally handicapped child is one who demonstrates significant sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the period from birth through eighteen (18) years of age, which adversely affect's a child's educational performance. The mentally handicapped child may be included in one of the following classifications: • Mildly Mentally Handicapped • Moderately Mentally Handicapped • Severely/Profoundly Mentally Handicapped Rules, Regulations and Policies Adopted and Promulgated by the Commission on General Education of the Indiana State Board of Education. State of Indiana Rule S-1, Section 4 Special Education Programs for Handicapped Children E. 1. Definition pp. 27-31 (1978).	Class sizes and caseloads shall be limited in number to allow the teacher to meet the individual needs of each child enrolled as specified in the child's individualized education program. The class size and caseload shall be determined by: (a) The severity of the handicapping conditions of the children to be enrolled; (b) The types and intensity of instruction needed; (c) The children's ages; (d) The availability of paraprofessionals; and (e) The related services to be provided outside the classroom by other personnel. Caseload shall be determined, in the case of the instructional resource service, by the number of schools and the distance between schools served. In addition, if the teacher is not assigned to a full-time special education position, the caseload shall be adjusted. Rules, Regulations and Policies Adopted and Promulgated by the Commission on General Education of the Indiana State Board of Education. State of Indiana Rule S-1, Section 4 Special Education Programs for Handicapped Children E. 4. Placement c. Special Classes for the Mildly Mentally Handicapped pp. 28-29; Special Classes for the Moderately Mentally Handicapped p. 30; Special Classes for the Severely/Profoundly Mentally Handicapped p. 31 (1978).		

STATE

HANDICAPPING CONDITION

STAFF TO STUDENT RATIO

IOWA

"MENTAL DISABILITY" is the term denoting a range and pattern of adaptive behavior deficits, sub-average academic achievement and sub-average general intellectual functioning.

1. "Adaptive Behavior": refers to the individual's effectiveness in meeting the demands of the school environment and represents an aggregate of communication, social, emotional, self-care, independent living and vocational behaviors that are appropriate for the individual's age and culture.

2. "Sub-average academic achievement" refers to performance deficits more than one standard of deviation below the mean on reliable standardized tests of academic or pre-academic achievement valid for the individual pupil.

3. "Sub-average intellectual functioning" refers to performance deficits more than one standard deviation below the mean on a reliable individual test of general intelligence valid for the individual pupil.

Public Instruction [670]; Special Education and Guidance; CH 12: Special Education; Division I - Scope, General Principles and Definitions. 670--12.3(281) Definitions; p. 14 (1985).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Resource Teaching Program		18
Special Class w/integration		
Elementary		12
Secondary		15
Self-contained Special Class w/Little Integration		
Preschool		8
Elementary		8
Secondary		10
Self-contained Special Class		
Severely Handicapped		5

Public Instruction [670]; Special Education and Guidance; CH 12: Special Education; Division I - Scope, General Principles and Definitions. 670--12.3(281) Definitions; p. 9 (1985).

KENTUCKY

An admissions and release committee shall determine that a child is EDUCABLE MENTALLY HANDICAPPED provided the following criteria are met:

2. The pupil obtains an intelligence quotient score between fifty (50) and seventy-five (75) on individual intelligence tests. Individual intelligence test scores shall not be the sole criterion for determination of placement, but shall be considered in conjunction with other evaluation information...

An admissions and release committee shall determine that a child is TRAINABLE MENTALLY HANDICAPPED provided the following criteria are met:

2. The pupil obtains an intelligence quotient score between thirty-five (35) and fifty (50) on individual intelligence tests. Individual intelligence scores shall not be the sole criterion for determination of placement, but shall be considered in conjunction with other evaluation information as set forth in subsection (3) of this section.

An admissions and release committee shall determine that a child is SEVERELY AND PROFOUNDLY HANDICAPPED provided the following criteria are met:

1. There is evidence of primary disabilities that are cognitive (obtained intelligence quotient scores shall be below thirty-five (35)).

2. There may be evidence of behavioral, physical, and/or sensory handicaps.

Kentucky Administrative Regulations - Related to Exceptional Children, KAR7071:057; p. 47-4 (1981).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Educable Mentally Handicapped		
Special Class	10	20
Resource	10	20
Trainable Mentally Handicapped		
Special Class	5	12
Severely and Profoundly Handicapped		
Special Class	3	8

Kentucky Administrative Regulations - Related to Exceptional Children, KAR7071:054; pp. 48-52 (1981).

STATE | **HANDICAPPING CONDITION** | **STAFF TO STUDENT RATIO**

LOUISIANA

MENTALLY RETARDED is significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period. ((945)

Louisiana's Law for Exceptional Students. Bulletin 1706; Regulations for Implementation of The Exceptional Children's Act (RS 17:1941 et seq); p. 106 (1983).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Elementary		
MILD	8	17
MODERATE	6	11
SEVERE	4	9
PROFOUND	4	9
Secondary		
MILD	8	17
MODERATE	8	17
SEVERE	4	9
PROFOUND	4	9

Louisiana's Law for Exceptional Students. Bulletin 1706; Regulations for Implementation of The Exceptional Children's Act (RS 17:1941 et seq); p. 121 (1983).

MAINE

MENTAL DEVELOPMENT OR **MATURATION** - The child's development in general and/or physical capacity, self-care abilities, and academic achievement are markedly **DELAYED** and such delays are not solely the result of environmental circumstances; specialized education programs and/or services are required to provide for the child's educational progress and potential.

Maine's Special Education Regulations: Statute #3123-Definitions; p. 15 (1981).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Self-Contained		*
Mildly to Moderately Delayed		
Primary Level (ages 5-9)		12(+5)
Intermediate (ages 10-14)		12(+5)
Advanced (ages 15-20)		12(+5)
Moderately to Severely Delayed		
Primary Level (ages 5-9)		6(+5)
Intermediate (ages 10-14)		8(+5)
Advanced (ages 15-20)		10(+5)
Severely to Profoundly Delayed		
Primary Level (ages 5-9)		5(+4)
Intermediate (ages 10-14)		5(+4)
Advanced (ages 15-20)		5(+4)

* ... represents the number of additional students who can be included in a self-contained program during the time that a teacher aide, teacher assistant or teacher associate works in the same room.

... a resource program or services shall not exceed a total of thirty-five to one (35:1), with no more than thirteen to one (13:1) with an aide or eight to one (8:1) being served at any one time without an aide.

Maine's Special Education Regulations: Statute #3123-Definitions; pp. 33-34 (1981).

MARYLAND

"MENTALLY RETARDED" means significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance.

Maryland State Board of Education. Title 13A, Subtitle 05 Special Instructional Programs, Chapter 01 Programs for Handicapped Children, .02(h) Definitions; p. 2 (amended 1980).

Service delivery by levels, (Level I, II, III, IV, V).

Maryland State Board of Education. Title 13A, Subtitle 05 Special Instructional Programs, Chapter 01 Programs for Handicapped Children, .02(h) Definitions pp. 17-19 (amended 1980).

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
MICHIGAN	**SEVERELY MENTALLY IMPAIRED** The severely mentally impaired shall be determined through manifestations of all of the following behavioral characteristics: (a) development at a rate approximately 4 1/2 or more standard deviations below the mean as determined through intellectual assessment; (b) lack of development primarily in the cognitive domain; (c) impairment of adaptive behavior.	Severely mentally impaired instructional unit With four (4) instructional aides		24
		R 340.1738 Severely mentally impaired programs. Rule 38 p. 19.		
	TRAINABLE MENTALLY IMPAIRED The trainable mentally impaired shall be determined through manifestations of all of the following behavioral characteristics: (a) development at a rate approximately 3 to 4 1/2 standard deviations below the mean as determined through intellectual assessment; (b) lack of development primarily in the cognitive domain; (c) impairment of adaptive behavior.	Trainable mentally impaired classroom unit With one (1) instructional aide		15
		With three (3) instructional aides		30
		R 340.1739 Trainable mentally impaired programs. Rule 39 p. 20.		
	EDUCABLE MENTALLY IMPAIRED The educable mentally impaired shall be determined through manifestations of all of the following behavioral characteristics: (a) development at a rate approximately 2 to 3 standard deviations below the mean as determined through intellectual assessment; (b) scores approximately within the lowest 6th percentiles on a standardized test in reading and arithmetic; (c) lack of development primarily in the cognitive domain; (d) impairment of adaptive behavior.	Educable mentally impaired classrooms		15
	Michigan Special Education Rules; Part I. General Provisions. R340.1703; Determination of Severely Mentally Impaired Rule 3 p. 4; R340.1704; Determination of Trainable Mentally Impaired Rule 4 p. 4; R340.1705; Determination of Educable Mentally Impaired Rule 5 p. 5 (1983).	R 340.1740 Educable mentally impaired programs; effective dates. Rule 40, p. 20. Michigan Special Education Rules; Part III. Administration of Programs and Services. (1983).		
MINNESOTA	**MENTALLY RETARDED** "Mentally retarded" means significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance.	The following table sets forth by levels of service the maximum number of school-age pupils that may be assigned to a teacher. "Caseload" means the number of pupils taught.		
		Level 4 - Mildly mentally handicapped		12
		With one aide		15
	Education of the Handicapped Act, PL 94-142, Subchapter 1-General Provisions, Section 140.1, Reg. 300.5(b), (4).	Revised Special Education Rules, CH 7; 3525.2340 SCHOOL-AGE LEVELS OF SERVICE. Subpart 3. Case loads for school-age levels of service. p. 19 (1984).		
		Level 4 - TRAINABLE mentally retarded Special class		8
		Revised Special Education Rules CH 7; 3525.1700 STAFF TO STUDENT RATIOS. Subpart 2. Ratio in level 4 of the continuum placement model. p. 13 (1984).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
MISSISSIPPI	EDUCATIONALLY HANDICAPPED (EdH) Children who are educationally handicapped exhibit learning problems which vary in degree and severity. These children have significantly sub-average intelligence existing concurrently with deficits in adaptive behavior and in academic functioning or performance. Such children may be classified as EDUCABLE MENTALLY RETARDED (EMR), TRAINABLE MENTALLY RETARDED (TMR), or SEVERELY PROFOUNDLY RETARDED (S/Pr). Regulations for the Operation of the Mississippi Program for Exceptional Children; Program Placement Options to be Considered; p. 62A-70 (1983).	... no label should predetermine the services needed. The needs of the child as determined by the IEP process should be the basis for program placement for all children. Regulations for the Operation of the Mississippi Program for Exceptional Children; Program Placement Options to be Considered; p. 27 (1983).		
MISSOURI	MENTAL RETARDATION Mental retardation refers to significantly sub-average general intellectual functioning which exists concurrently with deficits in adaptive behavior and is manifested during the developmental period, which adversely affects a child's educational performance. For educational purposes, mental retardation is classified by degree of impairment: The "MILD-MODERATE" mentally retarded are those students who are capable of academic, social, and vocational training, but require specialized instruction to realize maximum skill development and meaningful integration into adult society. The "SEVERE" mentally retarded are those students who have potential for training in self-care, social adjustment, and vocationally-related areas rather than academic. During adulthood they may function profitably at home and/or in specialized situations, such as sheltered workshops and supervised living experiences. The "PROFOUND" mentally retarded are those students who are retarded to the extent that they are capable of very little self-care and must have constant attention to survive. Missouri State Plan for Special Education, FY 84-86, Resource Guide for Special Education, Volume I-B, p. A-11; (amended 1983).	Itinerant Instruction	10	20
		Resource Room	10	20
		Self-Contained	6	10
		Missouri State Plan for Special Education, FY 84-86, Resource Guide for Special Education, Volume I-B, p. A-11; (amended 1983).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
NEBRASKA	MENTALLY RETARDED (MR) children shall mean children who would benefit from training or education in the areas of self-care, social adjustment to immediate surrounds, and vocationally-related activities which will contribute to economic usefulness in the home or in a specialized situation providing for activities such as sheltered work experience and a supervised living environment.	Level I - Educable Mentally Handicapped		30
		Level II Special Education Classroom Mentally Retarded		10
	Nebraska Department of Education Rule 51: Regulations for School Age Special Education Programs; Title 92, Nebraska Administrative Code. CH 51; 003.02J p. 6 (1981).	Nebraska Department of Education Rule 51: Regulations for School Age Special Education Programs; Title 92, Nebraska Administrative Code. CH 51; pp. 20-21 (1981).		
NEVADA	MENTALLY HANDICAPPED means sub-average general intellectual functioning which exists concurrently with deficits in adaptive behavior and is manifested during the developmental period. These conditions adversely affect the child's educational performance.	MILDLY MENTALLY HANDICAPPED		
		Caseload		24
		Class size		12
		Caseload for preschool program*		8
	A child may demonstrate characteristics of one of the following categories: 1. MILDLY MENTALLY HANDICAPPED 2. MODERATELY MENTALLY HANDICAPPED 3. SEVERELY MENTALLY HANDICAPPED 4. PROFOUNDLY MENTALLY HANDICAPPED	MODERATELY MENTALLY HANDICAPPED		
		Caseload		20
		Class Size		10
		Caseload for preschool program*		6
		SEVERELY/PROFOUNDLY MENTALLY HANDICAPPED		
		Caseload		12
		Class Size		6
		Caseload for preschool program*		5
	Standards for Administration of Special Education Programs, Nevada Department of Education; pp. 26-27 (1985).	* operating on a 1/2 day schedule		
		Standards for Administration of Special Education Programs, Nevada Department of Education; pp. 27-28 (1985).		
NEW HAMPSHIRE	"MENTALLY RETARDED" means significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period which adversely affects a student's educational performance.	The class shall be organized either on a categorical basis or according to the degree of severity of the handicapping condition.		
	New Hampshire State Board of Education, New Hampshire Standards for the Education of Handicapped Students; pp. 50-51 (1981).	New Hampshire Board of Education - New Hampshire Standards for the Education of Handicapped Students; ED 1119.05 Class Size and Range; p. 49 (1981).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
NEW JERSEY	**MENTALLY RETARDED** means cognitive, social and academic functioning which is seriously below age expectations. Such functioning is comprehensive in nature being demonstrated in home, school and community settings, and characterized by one of the following: i. **"EDUCABLE"** means a level of cognitive development and adaptive behavior in home, school and community settings that are moderately below age expectations with respect to all of the following: (1) the quality and rate of learning; (2) the use of symbols for interpretation of information and the solution of problems; (3) performance on an individually administered test of intelligence that falls within a range of two to three standard deviations below the mean. ii. **"TRAINABLE"** means a level of cognitive development and adaptive behavior that is severely below age expectations with respect to all of the following: (1) the ability to use symbols in the solution of problems of low complexity; (2) the ability to function socially without direct and close supervision in home, school and community settings; (3) performance on an individually administered test of intelligence that falls three standard deviations or more below the mean. iii. **"ELIGIBLE FOR DAY TRAINING"** means a level of functioning profoundly below age expectations whereby on a consistent basis the pupil demonstrates an inability to understand and respond to simple verbal or nonverbal communication, demonstrates an inability to make known basic wants or needs, and requires total personal care and supervision. New Jersey Administrative Code, Title 6 Education, Subtitle F Division of Special Education, CH 28 Special Education; pp. 38-39 (1984).	Special Class		
		Educable		15
		Trainable		10
		Eligible for day training (Pupil to staff ratio of 3:1)		9
		* ... maximum class sizes may be increased no more than one-third with the addition of a classroom aide ...		
		New Jersey Administrative Code, Title 6; Education, Subtitle F; Division of Special Education; Chapter 28 Special Education; pp. 56-57 (1984).		
NEW MEXICO	The **MENTALLY HANDICAPPED** child is one who exhibits significantly sub-average general intellectual functioning with deficits in adaptive behavior which are manifested during the developmental period. Intellectual development, adaptive behavior, and academic achievement are significantly below peer age group. New Mexico State Board of Education; Educational Standards for New Mexico Schools. Basic, Special Education, Vocational Programs, Section B - Special Education Program Standards; p. 37 (1985).	Recommendations for program needs of an exceptional child is to be based on the severity of special educational need(s), rather than the handicapping condition. New Mexico State Board of Education; Educational Standards for New Mexico Schools. Basic, Special Education, Vocational Programs, Section B - Special Education Program Standards; 2-4 (1985).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO
NEW YORK	**MENTALLY RETARDED.** A pupil who, concurrent with deficits in adaptive behavior, consistently demonstrates general intellectual functioning that is determined to be 1.5 standard deviations or more below the mean of the general population on the basis of a comprehensive evaluation which includes an individual psychological evaluation. Regulations of the Commissioner of Education, Subchapter P. Part 200 - Handicapped Children; 200.1 Definitions. p. 4 (1984).	In all cases the size and composition of a class shall be based on the similarity of the individual needs of the pupils according to: (i) levels of academic or educational achievement and learning ratios; (ii) levels of social development; (iii) levels of physical development; and (iv) the management needs of the pupils in the classroom. ... A special class shall be composed of pupils with the same handicapping conditions or of pupils with differing conditions but with similar individual needs. Regulations of the Commissioner of Education, Subchapter P. Part 200 - Handicapped Children; 200.1 Definitions.; (1984).
NORTH CAROLINA	**MENTALLY HANDICAPPED** refers to significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period. The adaptive behavior refers primarily to the effectiveness of the individual in adapting to the natural and social demands of his/her environment. It has two major facets: (a) the degree to which the individual is able to function independently, and (b) the degree to which he/she meets satisfactorily the culturally imposed demands of personal and social responsibility. Division for Exceptional Children, State Department of Public Instruction; p. 2 (1980).	See below

NORTH CAROLINA — Staff to Student Ratio:

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
EDUCABLE MENTALLY HANDICAPPED		
Regular Class w/Supportive Services		35
Part-time Special Class		
Preschool/Primary		12
Elementary		12
Secondary		16
Full-Time Special Class (Self-contained)		
Preschool/Primary		12
Elementary		12
Secondary		16
TRAINABLE MENTALLY HANDICAPPED		
Full-time Special Class (Self-contained)		
Without an aide		6
With one (1) aide	7	12
With two (2) aides	13	16
SEVERELY/PROFOUNDLY HANDICAPPED		
Full-time Special Class (Self-contained)		
With one (1) aide		6
With two (2) aides	7	12

Rules Governing Programs and Services for Children with Special Needs, Section .1501 Definitions; pp. 38-39 (1980).

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
NORTH DAKOTA	EDUCABLE MENTALLY HANDICAPPED: The student's primary deficit will be in the area of intellectual functioning. In addition, the student may exhibit deficits in motor, emotional, and social development. These major deficits may be expected to continue over time. An appropriate educational program will increase the probability that the individual will live and work independently in the community. Special Education in North Dakota; Guide I - Laws, Policies and Regulations for Special Education for Exceptional Children; p. IV-30 (1982).	EDUCABLE MENTALLY HANDICAPPED—Class		
		Elementary	6	12
		Junior High School	6	12
		High School	6	15
	TRAINABLE MENTALLY HANDICAPPED: Primary deficit will be manifested moderate to severe intellectual limitations with probable accompanying deficits in language, motor, and emotional development. Deficits will continue through time; however, appropriate education programs increase the probability of partial or complete independence in community life. Special Education in North Dakota; Guide I - Laws, Policies and Regulations for Special Education for Exceptional Children; p. IV-34 (1982).	TRAINABLE MENTALLY HANDICAPPED		
		Caseload	6	12
		Special Education in North Dakota; Guide I - Laws, Policies and Regulations for Special Education for Exceptional Children; p. IV-30, p. IV-34 (1982).		
OHIO	DEVELOPMENTALLY HANDICAPPED "Developmentally handicapped" (mentally retarded) means significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior manifested during the developmental period, which adversely affects a child's educational performance. Rules for the Education of Handicapped Children, 3301-51-01 Definitions. N p. 5 (1982).	Special Class	8	16
		Rules for the Education of Handicapped Children, 3301-51-04 Special Education Programs for Handicapped Children. p. 67 (1982).		
OKLAHOMA	"MENTALLY RETARDED" means significantly sub-average general deficits in adaptive behavior and manifested during the development period, which adversely affects a child's educational performance. Policies and Procedures Manual for Special Education in Oklahoma, C. Category Definitions, State Regulations and Class Size; p. 7 (1982).	Self-contained	3	15
		Laboratory	3	25
		Policies and Procedures Manual for Special Education in Oklahoma, C. Category Definitions, State Regulations and Class Size; p. 35 (1982).		
OREGON	"MENTAL RETARDATION" refers to significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period. Oregon Administrative Rules, CH 581, Division 15 - Department of Education; p. 1 (1984).	The education program shall maintain pupil/teacher ratio at all unstructured levels that are functional in view of the purposes of the student groupings. Pupil/teacher ratio shall be of such a nature that all enrolled pupils will have access to individualized instruction. Oregon Administration Rules, CH 581, Division 15 - Department of Education; p. 19 (1984).		

STATE | **HANDICAPPING CONDITION** | **STAFF TO STUDENT RATIO**

PENNSYLVANIA

MENTALLY RETARDED

Impaired mental development which adversely affects a person's educational performance. A mentally retarded person exhibits significantly impaired adaptive behavior in learning, maturation and/or social adjustment as a result of subaverage intellectual functioning. The degree of retardation and the level of social and academic functioning, not deviant behavior patterns, shall be the factors in determining the individualized program. A person shall be assigned to a program for the mentally retarded when the evaluation and Individualized Education Program indicate that such a program is appropriate, provided that no person shall be assigned to a program for the:

(i) EDUCABLE MENTALLY RETARDED unless his or her IQ score is lower than 80.

(ii) TRAINABLE MENTALLY RETARDED unless his or her IQ score is lower than 55.

(iii) SEVERELY AND PROFOUNDLY MENTALLY RETARDED unless his or her adaptive behavior is so severely impaired that education programming is oriented to behaviors which may be considered absolutely basic to higher levels of skilled performance. Individuals with an IQ score lower than 30 may be considered for these programs and shall be evaluated by a physician prior to assignment.

Standards for Special Education, 22 PA. Code CH 341, Section 341.1 Definitions (b) 5 p. 2 (1977).

Program Type	Class Size/Caseload Minimum	Maximum
EDUCABLE MENTALLY RETARDED		
Itinerant		
Elementary	15	50
Secondary	15	50
Resource Rooms		
Elementary	15	20
Secondary	15	20
Part Time		
Elementary	10	15
Secondary	15	18
Full Time		
Elementary	10	15
Secondary	10	15
TRAINABLE MENTALLY RETARDED		
Part Time		
Elementary	10	15
Secondary	15	18
Full Time		
Elementary	8	12
Secondary	8	15
SEVERELY AND PROFOUNDLY MENTALLY RETARDED		
Full Time	4	8

Standards for Special Education, 22 PA. Code CH 341, Section 341.35 Approval of Plans, Constant Enrollment by Organizational Patterns; p. 14.

STATE | **HANDICAPPING CONDITION** | **STAFF TO STUDENT RATIO**

RHODE ISLAND

The MENTALLY RETARDED: A child who functions at a significantly sub-average general intellectual level while concurrently manifesting deficits in adaptive behavior during the developmental period, and who at the time of evaluations, obtains a score on an individually administered test in accordance with the following table of intelligence quotients:

	Obtained Intelligence Quotient Stanford-Binet and Cattell (Standard Deviation - 16)	Weschler Scale (Standard Deviation - 15)
MILD	66-52	69-55
MODERATE	51-36	54-40
SEVERE	35-20	39-25*
PROFOUND	19 and below	24 and below*

*extrapolated

The above system eliminates the "border line level of retardation (70-80 I.Q. Such individuals may be classified as retarded only if:

1.2.1 Intellectual functioning changes to a lower level or

1.2.2 Adaptive behavior is impaired and a clinical evaluation considers defective reasoning to be an important contributing factor.

(Excerpted from the Manual on Terminology and Classification in Mental Retardation, 1973 Revision, American Association on Mental Deficiency)

1.2.3 Diagnostically, a child classified as "EDUCABLE MENTALLY RETARDED" under the definition in the former Rhode Island Regulations for the Education of Handicapped Children of 1963, who is not progressing academically after placement in a regular class for ninety (90) consecutive school days, shall receive appropriate special education support as determined by the evaluation team and may be placed in a self-contained, special class with the informed consent and written permission of the parent(s). This condition does not apply to children whose primary problem can be attributed to environmental disadvantage or behavior disorders.

Education for Handicapped Children, Regulations of the Board of Regents Governing the Special Education of Handicapped Children; pp. 2-3 (amended 1980).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Self-contained, special classes part-time or full-time for mildly and moderately handicapped children, with a teacher's aide.		8
Severely, profoundly and multi-handicapped class		
With a full-time teacher's aide		6
Without an aide		3

Education for Handicapped Children, Regulations of the Board of Regents Governing the Special Education of Handicapped Children; p. 32 (amended 1980).

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
TENNESSEE	MENTALLY RETARDED - A child who has or develops a continuing handicap in intellectual functioning and adaptive behavior which significantly impairs the ability to think and/or act and the ability to relate to and cope with the environment, is considered mentally retarded. Rules, Regulations and Minimum Standards for the Governance of Public Schools in the State of Tennessee, CH 0520-1-3; p. 77 (1982).	In grades kindergarten through 12, maximum membership of any class shall not exceed: (i) Kindergarten - 25 pupils (ii) Grades 1 through 3 - 25 pupils (iii) Grade 4 - 28 pupils (iv) Grades 5 through 6 - 30 pupils (v) Grades 7 through 12 - 35 pupils This regulation should not be interpreted to prohibit ungraded classes, team teaching, individualized instruction, or other such programs designed to meet student needs, if the teacher's weekly pupil load is compatible with the above regulation. Rules, Regulations and Minimum Standards for the Governance of Public Schools in the State of Tennessee, CH 0520-1-3; p. 45 (1982).		
UTAH	INTELLECTUALLY HANDICAPPED (FORMERLY, EDUCABLE MENTALLY RETARDED - A intellectual handicap refers to significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period (definition from American Association of Mental Deficiency). Persons whose intellectual disabilities prevent proper scholastic growth through regular program offerings, but who appear capable of acquiring primary academic skills, social adequacy and occupational competency are included in this category. On an individual intelligence test, an educable intellectual handicap is generally indicated by an over-all score in the 55-75 range.	Self-Contained Special Class Intellectually Handicapped (EMR)		15
		Severely Intellectually Handicapped (TMR)		12
		Resource Intellectually Handicapped (EMR)		15
		Severely Intellectually Handicapped (TMR)		15
		Rules and Regulations for Education Programs for the Handicapped. Utah State Office of Education; p. 20 (1981).		
	SEVERE INTELLECTUALLY HANDICAPPED (FORMERLY, TRAINABLE MENTALLY RETARDED - An intellectual handicap refers to significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period (definition from American Association of Mental Deficiency). The trainable intellectually handicapped generally fall within the 40-60 I.Q. range, are unable to keep up with an educable intellectually handicapped class, have reasonable possibility of acceptable behavior in social groups, and have some ability to acquire personal competency to become, in part, self-directing individuals and acquire some type of vocational skills. Rules and Regulations for Education Programs for the Handicapped. Utah State Office of Education; pp. 46-47 (1981).			

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
		Program Type	Class Size/Caseload Minimum	Maximum
VERMONT	Pupils with RETARDED MENTAL DEVELOPMENT or a general learning disability are capable of making a contribution to, as well as receiving benefits of, our society. It is recognized that these pupils have limited ability to comprehend abstract concepts, yet there is ample evidence of their ability to understand the concrete and functional. Programs must be designed to develop academic skills, decision-making abilities, self acceptance and qualities of personality and character required for employment and acceptance in society. Special Education and Pupil Personnel Services: Policies and Regulations of the Program for the Education of Handicapped Pupils; p. 39 (1975).	In determining an appropriate size or caseload, consideration shall be given to the unique educational requirements of the pupils who comprise the class roster or caseload. Adjustments shall be made to account for the nature and severity of the pupil's unique needs. Special Education Rules From the Vermont State Board of Education Manual of Rules and Practices; 2365.1.2, p. 6 (1982).		
WEST VIRGINIA	MENTALLY IMPAIRED students have significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period. "General intellectual functioning" is defined as the results obtained by assessment with one or more of the individually administered general intelligence tests developed for that purpose. "Significantly sub-average" is defined as intelligence quotient (I.Q.) more than two standard deviations below the mean for the test. "Adaptive behavior" is defined as the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected for his/her age and cultural group. "Developmental period" is defined as the period of time between birth and the 18th birthday. Functionally, the term "educable mentally impaired" refers to those persons characterized by a level of mental development which is impaired to the extent that the student requires special education services, but is able to function independently in society. West Virginia Department of Education, Office of Special Education Administration. Regulations for the Education of Exceptional Students; p. 66 (1983).	Regular Education Program With Resource Room		20
		Special Education Program: Self-Contained		
		Without full-time aide		8
		With full-time aide		15
		West Virginia Department of Education, Office of Special Education Administration. Regulations for the Education of Exceptional Students; p. 67 (1983).		

STATE

WISCONSIN

HANDICAPPING CONDITION

MENTAL RETARDATION

Mental retardation refers to significantly subaverage general *intellectual functioning existing concurrently with* deficiencies in adaptive behavior manifested during the developmental period. (AAMD definition--Grossman, 1973). (Standard deviation (S.D.) is used to signify variability from the mean. The mean is an average of the scores in a set; the standard deviation is an average of how distant the individual scores in a distribution are removed from the mean).

Major considerations for determination of mental retardation:

I. Measured intelligence

Mild - 2 to 3 S.D; Moderate - 3 to 4 S.D.; Severe - 4 to 5 S.D.

II. Adaptive functioning

A child is determined to be in the lower 2 % of his or her age group on formal/informal criterions, scales and data in his or her ability to interact with others, manipulate objects and tools, move about in the environment and otherwise meet the demands and expectancies of the general society and environment. In addition, the child's adaptive abilities are in the lower 2 % of his or her age group on the reference criterion particular to his or her specific socio-cultural community.

Rules Implementing Subchapter IV of CH 115, Wisconsin Statues, CH PI, PI 11.34 Eligibility (2) HANDICAPPING CONDITION (a) p. 121 (1981).

STAFF TO STUDENT RATIO

Program Type	Class Size/Caseload Minimum	Maximum
MILD/BORDERLINE MENTALLY RETARDED		
Self-contained Complete		
Early Education	5	7
Primary	5	8
Intermediate	5	9
Elementary Wide Range	5	7
Middle/Junior	5	10
Senior	5	12
Secondary Wide Range	5	10
Self-contained Modified		
Early Education	5	9
Primary	5	9
Intermediate	5	10
Elementary Wide Range	5	9
Middle/Junior	5	11
Senior	5	12
Secondary Wide Range	5	10
Self-contained Integrated		
Early Education	8	12
Primary	8	12
Intermediate	8	14
Elementary Wide Range	8	12
Middle/Junior	8	15
Senior	8	15
Secondary Wide Range	8	15

*...resource rooms in the mild/borderline area.....will be handled in the multi-categorical area.

MINIMUMS AND MAXIMUMS MAY BE NEGOTIATED WITH THE APPROPRIATE DHC SUPERVISOR IN ADVANCE OF PROGRAM IMPLEMENTATION AND WITH JUSTIFIABLE RATIONALE.

Wisconsin Division for Handicapped Children, Bulletin No. 83.1 Minimum/Maximum Enrollment Criteria for 1983-84.

STATE | **HANDICAPPING CONDITION** | **STAFF TO STUDENT RATIO**

WISCONSIN
cont'd

MENTAL RETARDATION

III. Academic functioning

Age 3-5 1.5 years behind on normative language, perception and motor development criterion.

6-9 2 years or more below normal grade achievement expectancies in language, motor and basic skill subjects, e.g., reading and mathematics.

10-14 3.5 years or more below normal grade achievement expectancies in language, motor and basic skill subjects, e.g., reading and mathematics.

15-20 5th grade or below achievement in language, motor and basic skill subjects, e.g., reading and mathematics.

Rules Implementing Subchapter IV of CH 115, Wisconsin Statues, CH PI, PI 11.34 Eligibility (2) HANDICAPPING CONDITION (a) p. 121 (1981).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
MODERATE/SEVERE MENTALLY RETARDED		
Self-contained Complete		
Early Education	4	6
Primary	4	6
Intermediate	4	6
Elementary Wide Range	4	6
Middle/Junior	4	7
Senior	4	7
Secondary Wide Range	4	6
Self-contained Modified		
Early Education	4	7
Primary	4	7
Intermediate	4	7
Elementary Wide Range	4	7
Middle/Junior	4	8
Senior	4	8
Secondary Wide Range	4	7
Self-contained Integrated		
Early Education	5	9
Primary	5	9
Intermediate	5	9
Elementary Wide Range	5	7
Middle/Junior	5	9
Senior	5	9
Secondary Wide Range	5	8

MINIMUMS AND MAXIMUMS MAY BE NEGOTIATED WITH THE APPROPRIATE DHC SUPERVISOR IN ADVANCE OF PROGRAM IMPLEMENTATION AND WITH JUSTIFIABLE RATIONALE.

Wisconsin Division for Handicapped Children, Bulletin No. 83.1 Minimum/Maximum Enrollment Criteria for 1983-84.

3. MULTIHANDICAPPED

82

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
ALABAMA	"MULTIHANDICAPPED" means concomitant impairments (such as mentally retarded and blind, mentally retarded and orthopedically impaired, etc.), the combination of which causes such severe educational problems that they cannot be accommodated in Special Education programs solely for one of the impairments. The term does not include Deaf/Blind children. Policies and Procedures Manual: Program for Exceptional Children and Youth; Bulletin 1980; No. 31; p. 100.	Any type setting with only one special education teacher		4
		Special education teacher with one aide		8
		Special education teacher with three aides		16
		Policies and Procedures Manual: Program for Exceptional Children and Youth; Bulletin 1980; No. 31; p. 101.		
ARKANSAS	"MULTIHANDICAPPED" means concomitant impairments (such as mentally retarded-blind, mentally retarded-orthopedically impaired, etc.), the combination of which causes such severe educational problems that cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children. Program Standards and Eligibility Criteria for Special Education; p. 14-1 (1981).	Resource Room		25
		Special Class Moderate to Severe		10
		Program Standards and Eligibility Criteria for Special Education; p. 4-1 (1981).		
ARIZONA	"MULTIPLE HANDICAPPED" means a child who has serious learning and developmental problems resulting from multiple handicapping conditions as determined by evaluation pursuant to SS 15-766, and who cannot be provided for adequately in a program designed to meet the needs of any one handicapping condition. The multiple handicapped includes a child who is Autistic. Multiple handicapping conditions include two or more of the following: (i) Hearing handicapped (ii) Physically handicapped (iii) Trainable mentally handicapped (iv) Visually handicapped (v) One of the handicapping conditions determined pursuant to items (i) through (iv) of this subdivision existing concurrently with a condition of educable mentally handicapped, seriously emotionally handicapped or learning disabled. Arizona Revised Statutes: Annotated 1983 Special Pamphlet; Title 15 Education; CH 7; Sec. 15-761; p. 241.	"... policy with regard to allowable pupil-teacher ratios and pupil-staff ratios within the district or county for provision of special education services. Arizona Revised Statutes: Annotated 1983 Special Pamphlet; Title 15 Education; CH 7; Sec. 15-764; p. 245.		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
COLORADO	MULTIPLE HANDICAP: Any combination of the following handicaps that is severe enough in nature or in total impact to affect significantly the student's ability to function and learn: vision, hearing, severe limited intellectual capacity, emotional/behavioral, perceptual/communicative, and physical impairment. 1 Colorado Code of Regulations 301-8; Administration of The Exceptional Children's Act; p. 4 (1983).	Self Contained		
		Preschool		8
		Elementary		8
		Secondary		10
		Resource Room		
		Preschool		8
		Elementary		10
		Secondary		15
		Itinerant Instruction		
		Elementary		12
		Secondary		20
		1 Colorado Code of Regulations 301-8; Administration of The Exceptional Children's Act; p. 14 (1983).		
CONNECTICUT	"MULTI-HANDICAPPED" means a child with a combination of identifiable handicaps. Regulations Concerning Children Requiring Special Education: Section 10-76a to 10-761, Inclusive, of The General Statutes; p. 5 (1980).	The number and age range of children requiring special education and related services assigned to a class shall be such that the specifications of each child's individualized education program can be met. Regulations Concerning Children Requiring Special Education: Section 10-76a to 10-761, Inclusive, of The General Statutes; p. 14 (1980).		
DELAWARE	A "COMPLEX OR RARE" HANDICAPPED PERSON is defined as a person in the chronological age group four through twenty years inclusive who is found to suffer from tow or more of the defined handicaps, or who is so severely afflicted by a single handicap, that the total impact of the condition means that he or she cannot benefit from the regularly offered free appropriate public educational programs. Administrative Manual for Programs for Exceptional Children; p. 25 (revised 1983).	When an individual has a handicapping condition(s) that is so severe or complex that no program can be provided with Levels I through VII of the statewide continuum of services available through the districts or any other public agency, the individual will be eligible for consideration by the State Level Placement Committee who may recommend a unique or alternative program as documented by certification checklist... Administrative Manual for Programs for Exceptional Children; p. 25 (revised 1983).		
DISTRICT OF COLUMBIA	MULTIPLE HANDICAPPED A student with two (2) or more handicapping conditions that result in multisensory or motor deficiencies and developmental lags in the cognitive, affective, or psychomotor areas, the combination of which cause educational problems that cannot be accommodated in a special education program solely for one (1) of the impairments. State Requirements and Program Standards for Special Education in the District of Columbia; District of Columbia Board of Education; p. 36 (1986).	Self-contained		
		Elementary		8
		Secondary		8
		* With the assignment of an aide the caseload may be increased by no more than 2 students. State Requirements and Program Standards for Special Education in the District of Columbia; District of Columbia Board of Education; p. 36 (1986).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
		Program Type	Class Size/Caseload Minimum	Maximum
FLORIDA	(1) For purposes of funding, PROFOUNDLY HANDICAPPED students shall be classified as: (a) Profoundly mentally retarded as defined in Rule 6A-6.3011, FAC; (b) Deaf-blind as defined in Rule 6A-6.3022, FAC; (c) Autistic as defined in Rule 6A-6.3023, FAC; or (d) Severely emotionally disturbed as defined in Rule 6A-6.3016(1)(b), FAC. (2) School districts may utilize the weighted cost factor for the profoundly handicapped when a student meets the criteria in (1)(a), (b), (c), or (d) above and is in a course for the profoundly handicapped, profoundly mentally retarded, deaf-blind, Autistic, or severely emotionally disturbed. The district may also use the weighted cost factor for the profoundly handicapped for an individual student who meet the criteria in (1)(a), (b), (c), or (d) above and is in other courses for exceptional students consistent with the student's individual educational plan. A Resource Manual for the Development and Evaluation of Special Programs for Exceptional Students. Volume I-B: Florida Statutes and State Board of Education Rules: Excerpts for Programs for Exceptional Students; 6A-6.3021; p. 54 (1982).	No regulations for class size/caseload ratios in State Board of Education Rules (1974). A Resource Manual for the Development and Evaluation of Special Programs for Exceptional Students. Volume I-B: Florida Statutes and State Board of Education Rules: Excerpts for Programs for Exceptional Students; 6A-6.3016; (1982).		
IDAHO	SEVERELY HANDICAPPED. Those students are severely handicapped who, because of the intensity of their physical, mental, or emotional impairment, require a specialized education program. These students may include but are not limited to profoundly retarded, deaf, blind, and multiply handicapped. Idaho State Board of Education Rules and Regulations Pertaining to Special Education and Federal Regulations Under PL 94-142; Alphabetical Definition of Terms; 1.16; p. 4 (1983).	Non-categorical services delivery system. Idaho State Board of Education Rules and Regulations Pertaining to Special Education and Federal Regulations Under PL 94-142; Alphabetical Definition of Terms; pp. 46-47, 52, 54 (1983).		
ILLINOIS	MULTIPLE IMPAIRMENT The child exhibits two or more impairments, severe in nature or total impact, which significantly affects his or her ability to benefit from the educational program. Rules and Regulations to Govern the Administration and Operation of Special Education, Article IX Identification, Evaluation, and Placement of Exceptional Children 9.16, p. 40 (1979).	Instructional program Rules and Regulations to Govern the Administration and Operation of Special Education, Article IV Special Education Instructional and Resource Program, 4.04, 2 p. 15 (1979).		5

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
INDIANA	MULTIPLY HANDICAPPED A child with two or more handicapping conditions which interact and result in problems so complex, having been demonstrated through a diagnostic teaching evaluation services, that placement in regular programs or programs designed for children with single handicaps, even with reasonable alternations, additional equipment, special training aids and/or modified teaching techniques, will not result in significantly meaningful growth and achievement. Rules, Regulations and Policies Adopted and Promulgated by the Commission on General Education of the Indiana State Board of Education. State of Indiana Rule S-1, Section 4 Special Education Programs for Handicapped Children D. 1. Definition p. 26 (1978).	Class sizes and caseloads shall be limited in number to allow the teacher to meet the individual needs of each child enrolled as specified in the child's individualized education program. The class size and caseload shall be determined by: (a) The severity of the handicapping conditions of the children to be enrolled; (b) The types and intensity of instruction needed; (c) The children's ages; (d) The availability of paraprofessionals; and (e) The related services to be provided outside the classroom by other personnel. Caseload shall be determined, in the case of the instructional resource service, by the number of schools and the distance between schools served. In addition, if the teacher is not assigned to a full-time special education position, the caseload shall be adjusted. Rules, Regulations and Policies Adopted and Promulgated by the Commission on General Education of the Indiana State Board of Education. State of Indiana Rule S-1, Section 4 Special Education Programs for Handicapped Children D. 4. Placement c. Special Classes for the Multiply Handicapped p. 26-27 (1978).		
IOWA	"PROFOUNDLY MULTIPLE HANDICAPPED" are descriptive of pupils who may exhibit a combination of the following characteristics: 1. Use no means of communication beyond affect responses or use an augmented communication system that is not a standard symbol system to indicate needs and wants. 2. Are dependent in mobility or required supervision in order to meaningfully traverse between points in the environment. 3. Are dependent in all daily living activities. 4. Have minimal social interaction skills and may exhibit severe maladaptive behaviors. 5. Have mental, physical or sensory handicaps. 6. Have fragile medical conditions, including seizures. Public Instruction [670]; Special Education and Guidance; CH 12: Special Education; Division I - Scope, General Principles and Definitions. 670--12.3(281) Definitions; p. 5 (1985).	Self-contained Special Class Public Instruction [670]; Special Education and Guidance; CH 12: Special Education; Division I - Scope, General Principles and Definitions. 670--12.3(281) Definitions; p. 9 (1985).		5

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
KENTUCKY	An admissions and release committee shall determine that a child is MULTIPLE HANDICAPPED provided the following criteria are met: (a) The pupil has a combination of two (2) or more impairments (such as mentally handicapped-blind, mentally handicapped-orthopedically impaired, etc.); and (b) The combination produces such severe learning, developmental or behavioral problems that appropriate services cannot be provided in special education programs designed solely for children with one (1) impairment. Kentucky Administrative Regulations - Related to Exceptional Children, KAR7071:058; pp. 53-55 (1981).	Special Class Resource Room * No more than seven (7) pupils may be in the Resource Room during any one instructional period. Kentucky Administrative Regulations - Related to Exceptional Children, KAR7071:058; pp. 54-55 (1981).	5 5	10 10*
LOUISIANA	MULTIHANDICAPPED is concomitant impairments (such as mentally retarded - blind; mentally retarded - orthopedically impaired), the combination of which causes such severe educational problems that these pupils cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf/blind children.(1946) Louisiana's Law for Exceptional Students. Bulletin 1706; Regulations for Implementation of The Exceptional Children's Act (RS 17:1941 et seq); p. 106 (1983).	Preschool Elementary Secondary Louisiana's Law for Exceptional Students. Bulletin 1706; Regulations for Implementation of The Exceptional Children's Act (RS 17:1941 et seq); p. 121 (1983).	4 4 4	7 9 9
MARYLAND	"MULTI-HANDICAPPED" means concomitant impairments (such as mentally retarded-blind, mentally retarded-orthopedically impaired, etc.), the combination of which causes such severe educational problems that the children cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children. Maryland State Board of Education. Title 13A, Subtitle 05 Special Instructional Programs, Chapter 01 Programs for Handicapped Children, .02(h) Definitions; p. 2(e) (amended 1980).	Service delivery by levels (Levels I, II, III, IV, V). Maryland State Board of Education. Title 13A, Subtitle 05 Special Instructional Programs, Chapter 01 Programs for Handicapped Children, .02(h) Definitions; pp. 17-19 (amended 1980).		
MICHIGAN	SEVERELY MULTIPLY IMPAIRED The severely multiply impaired shall be determined through the manifested of all of the following behavioral characteristics: a) multiple handicaps in the physical and cognitive domains; b) inability to function within special education programs which deal with a single handicap; c) development at less than the age group in the cognitive, affective or psycho-motor domains. Michigan Special Education Rules; Part I. General Provisions. R340.1714; Determination of Severely Multiply Impaired Rule 14 p. 7 (1983).	Instructional unit With two (2) aides Michigan Special Education Rules; Part III. Administration of Programs and Services. R340.1748; Severely Multiply Impaired Programs Rule 48 p. 22 (1983).		9

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
MINNESOTA	MULTIHANDICAPPED Multihandicapped means concomitant impairments (such as mentally retarded - blind, mentally retarded - orthopedically impaired, etc.), the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children. Education of the Handicapped Act, PL 94-142, Subchapter 1-General Provisions, Section 140.1, Reg. 300.5(b), (5).	The following table sets forth by levels of service the maximum number of school-age pupils that may be assigned to a teacher. "Caseload" means the number of pupils taught.		
		Level 4 - Severely multiply handicapped		3
		With one aide		6
		Level 5 and 6 - severely multiply handicapped		
		With one aide		4
		With two aides		6
		Revised Special Education Rules, CH 7; 3525.2340 SCHOOL-AGE LEVELS OF SERVICE. Subpart 3. Case loads for school-age levels of service. p. 19 (1984).		
MISSISSIPPI	A MULTI-HANDICAPPED child is one who has combinations of disabilities which causes such a severe educational problem that the child cannot be accommodated in a special education program designed solely for one of the disabilities. The term does not include deaf-blind children. Regulations for the Operation of the Mississippi Program for Exceptional Children; Program Placement Options to be Considered; p. 62A-70 (1983).	... no label should predetermine the services needed. The needs of the child as determined by the IEP process should be the basis for program placement for all children. Regulations for the Operation of the Mississippi Program for Exceptional Children; Program Placement Options to be Considered; p. 27 (1983).		
MISSOURI	Students who are MULTIHANDICAPPED have concomitant impairments (such as mentally retarded-orthopedically, etc.), the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. Missouri State Plan for Special Education, FY 84-86, Resource Guide for Special Education, Volume I-B; p. A-18 (amended 1983).	Resource Room	6	10
		Self-Contained	4	6
		Missouri State Plan for Special Education, FY 84-86, Resource Guide for Special Education, Volume I-B; p. A-18 (amended 1983).		
MONTANA	"MULTIHANDICAPPED" means concomitant impairments (e.g., mentally retarded/blind or mentally retarded/orthopedically impaired), the combination of which causes such severe educational problems for the child so impaired that the child cannot be accommodated in a special education program designed solely for one of the impairments. The term does not include deaf/blind children. Montana Laws and Rules - Special Education Reference Manual; p. 3 (1983).	Resource Service	8	25
		Montana Laws and Rules - Special Education Reference Manual; p. 10 (1983).		
NEBRASKA	MULTIHANDICAPPED CHILDREN shall mean children who have two or more coincidental and educationally significant physical or psychological handicaps or both physical and psychological handicaps. This includes physically handicapped children with mental retardation if, in the opinion of the examining physician and psychologist, the child's condition can be improved materially by education and treatment. Nebraska Department of Education Rule 51: Regulations for School Age Special Education Programs; Title 92, Nebraska Administrative Code. CH 51; p. 6 (1981).	No information found in Department of Education Rule 51. Nebraska Department of Education Rule 51: Regulations for School Age Special Education Programs; Title 92, Nebraska Administrative Code. CH 51; pp. 20-23 (1981).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
NEVADA	MULTIPLE HANDICAPPED means concomitant handicaps, the combination of which causes severe educational problems which prevent the child from being appropriately accommodated without special or prolonged assistance. Standards for Administration of Special Education Programs, Nevada Department of Education; p. 29 (1985).	Caseload		20
		Special Class		6
		Standards for Administration of Special Education Programs, Nevada Department of Education; p. 29 (1985).		
NEW HAMPSHIRE	"MULTIHANDICAPPED" means concomitant impairments (such as mentally retarded-blind, mentally retarded-orthopedically impaired, etc.), the combination of which causes such severe educational problems that cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children. New Hampshire State Board of Education, New Hampshire Standards for the Education of Handicapped Students; p. 6 (1981).	The class shall be organized either on a categorical basis or according to the degree of severity of the handicapping condition. New Hampshire Board of Education - New Hampshire Standards for the Education of Handicapped Students; ED 1119.05 Class Size and Range; p. 49 (1981).		
NEW JERSEY	"MULTIPLY HANDICAPPED" means the presence of two or more educationally handicapping conditions which interact in such a manner than programs designed for the separate handicapping conditions will not meet the pupil's educational needs. All evident educational handicaps shall be documented. Eligibility for speech correction as defined in this section shall not be one the handicapping conditions which forms the basis for the classification of a pupil as "multiply handicapped". Evaluations by all specialist required in this section for the separate handicapping conditions being considered for the determination of "multiply handicapped" are required. New Jersey Administrative Code, Title 6 Education, Subtitle F Division of Special Education, CH 28 Special Education; p. 39 (1984).	Special Class		8
		* ... maximum class sizes may be increased no more than one-third with the addition of a classroom aide ... New Jersey Administrative Code, Title 6; Education, Subtitle F; Division of Special Education; Chapter 28 Special Education; pp. 56-57 (1983).		
NEW MEXICO	MULTIPLY IMPAIRED The multiply impaired child is one who has a combination of two or more disabilities which produce such serious learning, developmental and/or behavioral problems that progress in a special program designed to accommodate a single major exceptionality is inhibited or severely limited. The multiple impairment of deaf-blind is based upon auditory and visual impairments, the combination of which causes such severe communication, developmental, and educational problems that the child cannot properly be accommodated in programs solely for the hearing impaired or the visually impaired. New Mexico State Board of Education; Educational Standards for New Mexico Schools. Basic, Special Education, Vocational Programs, Section B - Special Education Program Standards; p. B-59 (1985).	Recommendations for program needs of an exceptional child is to be based on the severity of special educational need(s), rather than the handicapping condition. New Mexico State Board of Education; Educational Standards for New Mexico Schools. Basic, Special Education, Vocational Programs, Section B - Special Education Program Standards; 2-4 (1985).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
NEW YORK	MULTIPLY HANDICAPPED. A pupil with two or more handicapping conditions that result in multisensory or motor deficiencies and developmental lags in the cognitive, affective, or psychomotor areas, the combination of which cause educational problems that cannot be accommodated in a special education program solely for one of the impairments. Regulations of the Commissioner of Education, Subchapter P. Part 200 - Handicapped Children; 200.1 Definitions.; p. 5 (1984).	Special Class Severely to profoundly handicapped		12*
		Resource Room--caseload Educable mentally retarded and neurologically impaired		20
		* One paraprofessional shall be assigned to such cases for every three (3) pupils enrolled in the class. Regulations of the Commissioner of Education, Subchapter P. Part 200 - Handicapped Children; 200.1 Definitions.; pp. 54-55 (1984).		
NORTH CAROLINA	MULTIHANDICAPPED. Multihandicapped students are students who have a combination of two or more handicaps (such as mentally handicapped-emotionally handicapped, mentally handicapped-blind, deaf-blind, etc.), the combination of which causes such developmental and education problems that the children cannot be properly accommodated in special program that primarily serve one area of handicapping condition. Children who are severely multihandicapped have serious primary disabilities that are cognitive and/or behavioral and require significantly more resources than are provided for less handicapped children. Division for Exceptional Children, State Department of Public Instruction; p. 2 (1980).	Full-time Special Class With one aide		6
		With two aides	7	12
		Division for Exceptional Children, State Department of Public Instruction; p. 2 (1980).		
NORTH DAKOTA	PROGRAMS FOR MULTIPLY HANDICAPPED STUDENTS: Characteristics of these students may include severe language, cognitive, perceptual, behavior, and physical problems. These students may include the emotionally disturbed, mentally retarded, or in combination with sensory deficits (deaf, blind) and physical defects. Guide I - Laws, Policies and Regulations for Special Education for Exceptional Children. Special Education in North Dakota; p. IV-43 (December, 1977).	Due to the very low incidence of students with multiple handicaps, a large geographic area must plan together for all phases of the program and explore alternative settings and program offerings available for the student. Guide I - Laws, Policies and Regulations for Special Education for Exceptional Children. Special Education in North Dakota; p. IV-43 (December, 1977).		
OHIO	MULTIHANDICAPPED Multihandicapped means such a severe impairment, and/or such concomitant impairments, that the child's educational problems make it impossible to accommodate the needs of the child in any program but a program for multihandicapped children. (This definition may include deaf-blind; autistic; and moderately, severely or profoundly developmentally handicapped children). Rules for the Education of the Handicapped Children, 3301-51-01 Definitions. DD p. 8 (1982).	Special Class	6	8
		Rules for the Education of Handicapped Children, 3301-51-04 Special Education Programs for Handicapped Children. p. 52 (1982).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
OKLAHOMA	"MULTIHANDICAPPED" means concomitant impairments (such as mentally retarded-blind, mentally retarded-orthopedically impaired, etc.), the combination of which causes such severe educational problems that they cannot be accommodated in special education program solely for one of the impairments. The term does not include deaf-blind children. Policies and Procedures Manual for Special Education in Oklahoma, C. Category Definitions, State Regulations and Class Size; p. 7 (1982).	Class Policies and Procedures Manual for Special Education in Oklahoma, C. Category Definitions, State Regulations and Class Size; p. 35 (1982).	3	10
OREGON	MULTIHANDICAPPED means concomitant impairments (such as mentally retarded-blind, mentally retarded-orthopedically impaired), the combination of which causes such severe educational problems that the child cannot be accommodated in special education programs solely for one of the impairments. The term does not include children who are deaf-blind. Oregon Administrative Rules, CH 581, Division 15 - Department of Education; p. 1 (1984).	The education program shall maintain pupil/teacher ratio at all unstructured levels that are functional in view of the purposes of the student groupings. Pupil/teacher ratio shall be of such a nature that all enrolled pupils will have access to individualized instruction. Oregon Administration Rules, CH 581, Division 15 - Department of Education; p. 19 (1984).		
PENNSYLVANIA	SEVERELY MULTIHANDICAPPED Persons who are diagnosed as having two or more of the following severe handicapping conditions required for assignment to approved private schools. (i) Blind; (ii) Brain Damaged; (iii) Cerebral Palsy; (iv) Deaf and severely hearing impaired; (v) Emotional Disturbance; (vi) Muscular Dystrophy; (vii) Severely Mentally Retarded). Standards for Special Education, 22 PA. Code CH 341, Section 341.1 Definitions (b) 7 p. 3 (1977).	Special Class - Full Time Standards for Special Education, 22 PA. Code CH 341, Section 341.35 Approval of Plans, Constant Enrollment by Organizational Patterns; p. 14 (1977).	4	8
RHODE ISLAND	The MULTI-HANDICAPPED: A child who has a combination of two (2) or more handicaps (as determined by the evaluation process) who requires special education services. PHYSICALLY IMPAIRED/MULTI-HANDICAPPED - A child whose physical impairment in combination with other handicapping conditions excluding moderate through profound retardation (as defined by the American Association of Mental Deficiency, 1973) produces developmental and/or behavior problems to such a degree that his/her educational needs are best met in a self-contained classroom designed and conducted for the unique needs of physically impaired/multi-handicapped children. Education for Handicapped Children, Regulations of the Board of Regents Governing the Special Education of Handicapped Children; p. 4 (amended 1980).	Self-contained, Special Classes Part-time or Full-time for mildly and moderately handicapped children, with a teacher's aide.		8
		Severely, Profoundly and Multi-handicapped Class		
		With a full-time teacher's aide		6
		Without an aide	.	3
		Education for Handicapped Children, Regulations of the Board of Regents Governing the Special Education of Handicapped Children; p. 32 (amended 1980).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
RHODE ISLAND cont'd	The MULTI-HANDICAPPED: A child who has a combination of two (2) or more handicaps (as determined by the evaluation process) who requires special education services. SENSORY IMPAIRED/MULTI-HANDICAPPED - A child whose sensory impairment (vision and/or hearing) in combination with other handicapping conditions excluding moderate to profound retardation (as defined by the American Association of Mental Deficiency, 1973) produces developmental and/or behavior problems to such a degree that his/her educational needs are best met in a classroom designed and conducted for the unique needs of sensory impaired/multi-handicapped children. Education for Handicapped Children, Regulations of the Board of Regents Governing the Special Education of Handicapped Children; p. 4 (amended 1980).	Self-contained, Special Classes Part-time or full-time for mildly and moderately handicapped children, with a teacher's aide.		8
		Severely, Profoundly and Multi-handicapped Class With a full-time teacher's aide		6
		Without an aide		3
		Education for Handicapped Children, Regulations of the Board of Regents Governing the Special Education of Handicapped Children; p. 32 (amended 1980).		
TENNESSEE	MULTIHANDICAPPED i. A child who has a combination of two or more certifiable handicapping conditions whose impact is so severe that the educational needs of the child cannot be met in programs designed for the separate handicapping conditions is considered multihandicapped. ii. A child who has concomitant hearing and visual impairments, the combination of which causes such severe communication problems that they cannot be accommodated in special education programs solely for deaf or blind children ine considered deaf-blind. Rules, Regulations and Minimum Standards for the Governance of Public Schools in the State of Tennessee, CH 0520-1-3; p. 9 (1982).	In grades kindergarten through 12, maximum membership of any class shall not exceed: (i) Kindergarten - 25 pupils (ii) Grades 1 through 3 - 25 pupils (iii) Grade 4 - 28 pupils (iv) Grades 5 through 6 - 30 pupils (v) Grades 7 through 12 - 35 pupils This regulation should not be interpreted to prohibit ungraded classes, team teaching, individualized instruction, or other such programs designed to meet student needs, if the teacher's weekly pupil load is compatible with the above regulation. Rules, Regulations and Minimum Standards for the Governance of Public Schools in the State of Tennessee, CH 0520-1-3; p. 45 (1982).		
UTAH	The SEVERE MULTIPLY HANDICAPPED are those individuals who present an array of two or more handicaps, each one of which prevents or interferes with normal functioning to the extent that special education intervention is needed These individuals require special education provisions of the type not available in programs designed to serve only one handicap. Rules and Regulations for Education Programs for the Handicapped. Utah State Office of Education; p. 48 (1980).	Self-contained With an aide		12
		With two aides		18
		Rules and Regulations for Education Programs for the Handicapped. Utah State Office of Education; p. 48 (1980).		

STATE | HANDICAPPING CONDITION | STAFF TO STUDENT RATIO

WISCONSIN

MULTIPLE HANDICAPPED

A multiple handicapped child is one who has 2 or more handicapping conditions leading to EEN which may require programming considerations and are determined by an M-team composed of specialists trained, certified and experienced in the teaching of children with the EEN.

Rules Implementing Subchapter IV of CH 115, Wisconsin Statues, CH PI, PI 11.34 Eligibility (2) HANDICAPPING CONDITION (i) p. 127 (1981).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Multicategorical Programs		
Self-contained Complete		
Primary	6	10
Intermediate	6	12
Elementary Wide Range	6	10
Middle/Junior	6	13
Senior	6	13
Secondary Wide Range	6	11
Resource		
Primary	10	13
Intermediate	10	15
Elementary Wide Range	10	14
Middle/Junior	10	17
Senior	10	17
Secondary Wide Range	10	15

Wisconsin Division for Handicapped Children, Bulletin No. 83.1 Minimum/Maximum Enrollment Criteria for 1983-84.

4. ORTHOPEDICALLY IMPAIRED & OTHER HEALTH IMPAIRED

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	Maximum
ALABAMA	ORTHOPEDICALLY IMPAIRED	Resource Room		20
	Students exhibiting a severe orthopedic impairment which adversely affects educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.); impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.); and impairments from other causes (e.g., fractures or burns which cause contractures, amputation, cerebral palsy, etc.).	Self-contained		12
		Policies and Procedures Manual: Program for Exceptional Children and Youth; Bulletin 1980; No. 31; p. 103.		
	OTHER HEALTH IMPAIRED means limited strength, vitality, or alertness due to chronic or acute health problems, such as heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affect educational performance.			
	Policies and Procedures Manual: Program for Exceptional Children and Youth; Bulletin 1980; No. 31; p. 102.			
ARKANSAS	ORTHOPEDICALLY IMPAIRED means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.); impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.); and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).	Itinerant Instruction		25
		Resource Room		20
		Special Class Moderate to Severe		10
		Program Standards and Eligibility Criteria for Special Education; p. 4-1; (1981).		
	Program Standards and Eligibility Criteria for Special Education; p. 15-1; (1981).			
ARKANSAS	"OTHER HEALTH IMPAIRED" means (1) having an autistic condition which is manifested by severe communication and other developmental educational problems, or (2) having limited strength, vitality or alertness, due to chronic or acute health problems such as heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance.	OTHER HEALTH IMPAIRED		
		Itinerant Instruction		35
		Resource Room		25
		Special Class		
		Mild to Moderate		15
		Moderate to Severe		12
	Definition (for purposes of determination of eligibility of Autism). AUTISM means a behaviorally defined syndrome which typically appears during the first three (3) years of life, and is characterized by delay/disturbances in developmental rates and sequences, responses to sensory stimuli, communicative abilities, cognitive capacities, and the ability to related to people, events and objects.	AUTISTIC		
		Special Class		
		Moderate to severe		5
		Program Standards and Eligibility Criteria for Special Education; p. 4-1; (1981).		
	Program Standards and Eligibility Criteria for Special Education; p. 16-1; (1981).			

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
ARIZONA	"PHYSICALLY HANDICAPPED" means a child who has a physical handicap or disability, as determined by evaluation pursuant to (Statute #15-766), which impedes his educational progress in the regular classroom situation without the support of special classes or special services designed to promote his educational development, and whose intellectual development is such that he is capable of being educated through a modified instructional environment. Arizona Revised Statutes: Annotated 1983 Special Pamphlet; Title 15 Education; CH. 7, Sec. 15-761; p. 241.	... policy with regard to allowable pupil-teacher ratios and pupil-staff ratios within the district or county for provision of special education services. Arizona Revised Statutes: Annotated 1983 Special Pamphlet; Title 15 Education; CH. 7, Sec. 15-764; p. 245.		
COLORADO	**PHYSICAL CONDITION, IMPAIRMENT, OR SUSTAINED ILLNESS:** Impaired ability to participate in the regularly provided classroom because of medical, orthopedic, neurological, and/or sustained illness or crippling conditions. A physical impairment is characterized by at least one of the following: (a) Impaired ability to maneuver in the school environment with a wheel chair, walker braces, or other orthopedic devices. (b) Need for the assistance of an aide for self help skills. (c) Impaired ability to take notes or do assignments which require motoric movement and to adequately compensate for this. (d) Severe speech and language problems. (e) Severe health problems which require continued monitoring. 1 Colorado Code of Regulations 301-8; Administration of The Exceptional Children's Act; p. 1; (1983).	Self contained		
		Preschool		8
		Elementary		8
		Secondary		8
		Resource Room		
		Preschool		8
		Elementary		12
		Secondary		12
		Itinerant		
		Elementary		30
		Secondary		30
		1 Colorado Code of Regulations 301-8; Administration of The Exceptional Children's Act; p. 14; (1983).		
CONNECTICUT	"ORTHOPEDICALLY IMPAIRED" means a child with a severe orthopedic impairment which adversely affects the child's educational performance. The term includes impairments caused by congenital anomaly, impairments caused by disease, and impairments from other causes, but does not include a temporary condition which is anticipated to be of less than three weeks duration. "OTHER HEALTH IMPAIRED" means a child with limited strength, vitality or alertness, due to chronic or acute health problems, which is anticipated to be or more than three weeks duration. Regulations Concerning Children Requiring Special Education: Sec. 10-76a to 10-761, Inclusive, of The General Statutes; p. 5; (1980).	The number and age range of children requiring special education and related services assigned to a class shall be such that the specifications of each child's individualized education program can be met. Regulations Concerning Children Requiring Special Education: Sec. 10-76a to 10-761, Inclusive, of The General Statutes; p. 14; (1980).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO	Class Size/Caseload	
		Program Type	Minimum	Maximum
CONNECTICUT	"PHYSICALLY HANDICAPPED" means a child with a physical condition which significantly impedes the child's rate of educational development and which can be corrected or ameliorated by special education to the extent that the child's rate of educational development may be improved. The term shall include such conditions as "orthopedically impaired" and "other health impaired" as defined by these regulations. Regulations Concerning Children Requiring Special Education: Sec. 10-760 to 10-761, Inclusive, of The General Statutes; p. 5-6; (1980).	The number and age range of children requiring special education and related services assigned to a class shall be such that the specifications of each child's individualized education program can be met. Regulations Concerning Children Requiring Special Education: Sec. 10-76a to 10-761, Inclusive, of The General Statutes; p. 14; (1980).		
DELAWARE	PHYSICAL IMPAIRMENT: The child exhibits a physical or health impairment of such extent that it interferes significantly with his/her learning and/or requires adaptation of the physical plant. Under this definition are crippling impairments resulting from interference with the normal functions of the bones, joints, or muscles (ORTHOPEDICALLY handicapped), or due to lack of complete development or injury to the central nervous system (neurologically impaired). (Physician) Administrative Manual for Programs for Exceptional Children; p. 22 (revised 1983).	Class for Orthopedically Handicapped		6
		Administrative Manual for Programs for Exceptional Children; Unit of Pupils; p. A1-12 (revised 1983). Orthopedic Units: One classroom teacher and either one aide or attendant may be employed per unit in any given special school. Administrative Manual for Programs for Exceptional Children; p. 34 (revised 1983).		
DISTRICT OF COLUMBIA	"ORTHOPEDICALLY IMPAIRED" a physically handicapped student who has a severe orthopedic impairment that adversely affects the child's educational performance. This term includes the following: (a) impairments caused by congenital anomaly, such as club foot, absence of some members; (b) impairments caused by disease, such as poliomyelitis or bone tuberculosis; and (c) impairments from other causes, such as cerebral palsy, amputation, or fractures or burns that cause contractures. State Requirements and Program Standards for Special Education in the District of Columbia; District of Columbia Board of Education; p. 38 (1986).	ORTHOPEDICALLY IMPAIRED		
		Itinerant Instruction		
		Elementary		20
		Secondary		25
		Part Time		
		Elementary		12
		Secondary		15
		Self-contained		
		Elementary		10
		Secondary		12
		* With the assignment of an aide the caseload may be increased by no more than 2 students. State Requirements and Program Standards for Special Education in the District of Columbia; District of Columbia Board of Education; p. 38 (1986).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
		Program Type	Class Size/Caseload Minimum	Maximum
DISTRICT OF COLUMBIA cont'd	"OTHER HEALTH IMPAIRED" a student who has an autistic condition which is manifested by severe communication and other developmental and/or educational problems or has limited strength, vitality, or alertness due to chronic or acute health problems, such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes which adversely affects his educational performance. State Requirements and Program Standards for Special Education in the District of Columbia; District of Columbia Board of Education; pp. 38-39 (1986).	OTHER HEALTH IMPAIRED		
		Part Time		
		Elementary		12
		Secondary		12
		Self-contained		
		Elementary		10
		Secondary		10
		* With the assignment of an aide the caseload status may be increased by no more than 1 student.		
		AUTISTIC		
		Self-contained		
		Elementary		6
		Secondary		7
		* With the assignment of an aide the caseload may be increased by no more than 1 student.		
		State Requirements and Program Standards for Special Education in the District of Columbia; District of Columbia Board of Education; pp. 38,40 (1986).		
FLORIDA	PHYSICALLY IMPAIRED - one who has a physically disabling condition or other health impairment and such condition requires an adaptation to the student's school environment or curriculum. Pregnant students may be classified as physically impaired. A Resource Manual for the Development and Evaluation of Special Programs for Exceptional Students. Volume I-B: Florida Statutes and State Board of Education Rules: Excerpts for Programs for Exceptional Students; 6A-6.3016; p. 50 (1982).	No regulations for class size/ caseload ratios in State Board of Education Rules (1974). A Resource Manual for the Development and Evaluation of Special Programs for Exceptional Students. Volume I-B: Florida Statutes and State Board of Education Rules: Excerpts for Programs for Exceptional Students; 6A-6.3016; (1982).		
GEORGIA	"ORTHOPEDICALLY HANDICAPPED" refers to students whose severe orthopedic impairments affect their educational performance to a degree that they cannot be educated in regular classes of the public schools on a full-time basis without the provision of special education services. Orthopedically handicapped may refer to conditions such as: a. Muscular or neuromuscular handicaps which significantly limit the ability to move about, sit or manipulate the materials required for learning. b. Skeletal deformities or abnormalities which affect ambulation, posture and body use necessary in school work. Georgia Department of Education Regulations and Procedures. VI: Program Areas. p. IDDFd-27 (1983).	Self-contained		10
		Resource Room		12
		One teacher's aide per class is recommended.		
		Georgia Department of Education Regulations and Procedures. VI: Program Areas; IDDFd-28; (1983).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
GEORGIA	"OTHER HEALTH IMPAIRED" refers to students whose whose chronic health problems result in a lack of strength, vitality, or alertness and adversely affects educational performance. Examples include heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, and diabetes. Georgia Department of Education Regulations and Procedures. VI: Program Areas; IDDFd-28; (1983).	Due to the nature of the handicapping conditions and frequent absences from school, identified students with other health impairments may be served by the regular education program with hospital/homebound services as needed. Georgia Department of Education Regulations and Procedures. VI; Program Areas; IDDFd-28; (1983).		
IDAHO	PHYSICALLY HANDICAPPED (ORTHOPEDICALLY IMPAIRED). A severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomalies, impairments caused by disease, and impairments from other causes. Idaho State Board of Education Rules and Regulations Pertaining to Special Education and Federal Regulations Under PL 94-142; Alphabetical Definition of Terms; 1.25; p. 5; (1983).	Non-categorical service delivery system. Idaho State Board of Education Rules and Regulations Pertaining to Special Education and Federal Regulations Under PL 94-142; Alphabetical Definition of Terms; 1.9; pp. 46-47, 52, 54; (1983).		
	CHRONICALLY ILL (OTHER HEALTH IMPAIRMENT). Chronically ill means those students with limited strength, vitality, or alertness due to chronic or acute health problems such as heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, and diabetes which adversely affects a child's educational performance. Idaho State Board of Education Rules and Regulations Pertaining to Special Education and Federal Regulations Under PL 94-142; Alphabetical Definition of Terms; 1.14; p. 1; (1983).			
ILLINOIS	PHYSICAL and HEALTH IMPAIRMENT - The child exhibits a physical or health impairment, either temporary or permanent, which interfers with his or her learning and/or requires adaptation of the physical plant. Rules and Regulations to Govern the Administration and Operation of Special Education, Article IX Identification, Evaluation, and Placement of Exceptional Children 9.16, 3. p. 39 (1979).	Instruction Programs Rules and Regulations to Govern the Administration and Operation of Special Education, Article IV Special Education Instructional and Resource Program, 4.04, 3 p. 15 (1979).		8

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
INDIANA	PHYSICALLY HANDICAPPED A child is physically handicapped if he/she has 1) a severe orthopedic problem which is found to be a serious impairment of the child's locomotion or motor functions or 2) a health impairment which limits the child's strength, vitality, or alertness and is caused by a chronic or acute health problem, leading to an inability to function in the regular school program or demand a need for greater protection than the regular school program provides. Rules, Regulations and Policies Adopted and Promulgated by the Commission on General Education of the Indiana State Board of Education. State of Indiana Rule S-1, Section 4 Special Education Programs for Handicapped Children F. 1. Definition p.31 (1978).	Class sizes and caseloads shall be limited in number to allow the teacher to meet the individual needs of each child enrolled as specified in the child's individualized education program. The class size and caseload shall be determined by: (a) The severity of the handicapping conditions of the children to be enrolled; (b) The types and intensity of instruction needed; (c) The children's ages; (d) The availability of paraprofessionals; and (e) The related services to be provided outside the classroom by other personnel. Caseload shall also be determined, in the case of the instructional resource service, by the number of schools and the distance between schools served. In addition, if the teacher is not assigned to a full-time special education position, the caseload shall be adjusted. Rules, Regulations and Policies Adopted and Promulgated by the Commission on General Education of the Indiana State Board of Education. State of Indiana Rule S-1, Section 4 Special Education Programs for Handicapped Children F. 4. Placement c. Special Classes for the Physically Handicapped p. 32 (1978).		
IOWA	"PHYSICAL IMPAIRMENT", a disability, is manifested as an aberration of an essential body structure, system or function. Physical impairments are defined operationally in term of orthopedic, neuromuscular, other health impairments, or any combination, which may be a result of congenital or acquired conditions of unknown or miscellaneous causes. These pupils may manifest functional impairments in body balance, ambulation and limb and hand utilization. The severity of these noncognitive functional limitations are such that the pupil needs special education. Public Instruction [670]; Special Education and Guidance; CH 12: Special Education; Division I - Scope, General Principles and Definitions. 670--12.3(281) Definitions; p. 5 (1985).	Resource Teaching Program		18
		Special Class w/integration		
		Elementary		12
		Secondary		15
		Self-contained Special Class w/Little Integration		
		Preschool		8
		Elementary		8
		Secondary		10
		Self-contained Special Class		
		Severely Handicapped		5
		Public Instruction [670]; Special Education and Guidance; CH 12: Special Education; Division I - Scope, General Principles and Definitions. 670--12.3(281) Definitions; p. 9 (1985).		

STATE | **HANDICAPPING CONDITION** | **STAFF TO STUDENT RATIO**

KENTUCKY

"PHYSICALLY HANDICAPPED" means that a child has a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.); impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.); and impairments from other causes (e.g., fractures or burns which cause contractures, amputation, cerebral palsy, etc.).

"OTHER HEALTH IMPAIRED" means that the child has limited strength, vitality, or alertness due to chronic or acute health problems such as heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, and diabetes. The condition(s) of the child adversely affects the child's educational performance.

Kentucky Administrative Regulations - Related to Exceptional Children; KAR707 1:053; p. 34 (1981).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Classroom Plan (Units)		
Special Class Plan	8	16
Resource Plan	8	20

No more than eight (8) in the resource room during any one instructional period.

Kentucky Administrative Regulations - Related to Exceptional Children; KAR707 1:053; p. 36 (1981).

LOUISIANA

ORTHOPEDICALLY HANDICAPPED is a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.); impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.); and impairments from other causes (e.g., fractures or burns which cause contractures, amputation, cerebral palsy, etc.).

"OTHER HEALTH IMPAIRED" means that the child has limited strength, vitality, or alertness due to chronic or acute health problems including a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, and diabetes.

Louisiana's Law for Exceptional Students. Bulletin 1706; Regulations for Implementation of The Exceptional Children's Act; (R.S. 17:1941 et seq.); p. 108 (1983).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
ORTHOPEDICALLY HANDICAPPED		
Preschool	4	7
Elementary	6	11
Secondary	7	13
OTHER HEALTH IMPAIRED		
Elementary	8	17
Secondary	8	17

Louisiana's Law for Exceptional Students. Bulletin 1706; Regulations for Implementation of The Exceptional Children's Act; (R.S. 17:1941 et seq.); p. 121 (1983).

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
		Program Type	Class Size/Caseload Minimum	Maximum
MAINE	PHYSICAL MOBILITY FUNCTIONS - The child exhibits a physical or health impairment, temporary or permanent, that interferes with learning and that requires adaptation of the school's physical facilities to provide for the child's educational progress and potential. OTHER HEALTH FUNCTIONS - The child has limited strength, vitality, or alertness due to chronic or acute health problems (such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, and diabetes) which adversely affects the child's educational progress and potential. Maine's Special Education Regulations: Statute #3123. Definitions; 101.6 DEFINITIONS p. 15; (1981).	Self-contained		*
		Primary (ages 5-9)		6(+4)
		Intermediate (ages 10-14)		6(+4)
		Advanced (ages 15-20)		6(+4)
		*... represents the number of additional students who can be included in a self-contained program during the time that a teacher aide, teacher assistant or teacher associate works in the same room. ... a resource program or services shall not exceed a total of 35 to 1, with no more than thirteen (13) to one with an aide or eight (8) to 1 being served at any one time without an aide. Maine's Special Education Regulations: Statute #3123. Definitions; pp. 33-34; (1981).		
MARYLAND	"ORTHOPEDICALLY IMPAIRED" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.); impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.); and impairments from other causes (e.g., fractures or burns which cause contractures, amputation, cerebral palsy, etc.). "OTHER HEALTH IMPAIRED" means limited strength, vitality, or alertness due to chronic or acute health problems (such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, and diabetes), which adversely affects a child's educational performance. Maryland State Board of Education. Title 13A, Subtitle 05 Special Instructional Programs, Chapter 01 Programs for Handicapped Children, .02(h) Definitions; p. 2 (amended 1980).	Service delivery by levels (levels I, II, III, IV, and V). Maryland State Board of Education. Title 13A, Subtitle 05 Special Instructional Programs, Chapter 01 Programs for Handicapped Children, .02(h) Definitions; pp. 17-19 (amended 1980).		
MICHIGAN	PHYSICALLY and OTHERWISE HEALTH IMPAIRED (1) The physically and otherwise health impaired shall be determined through the manifestation of a physical or otherwise health impairment which adversely affects educational performance and which may require physical adaptations within the school environment. (3) The determination of impairment shall not be based solely on behaviors relating to environmental, cultural, or economic differences. Michigan Special Education Rules; Part I. General Provisions. R340.1709; Determination of Physically and Otherwise Health Impaired Rule 9 p. 5 (1983).	Special Classroom		15
		Michigan Special Education Rules; Part III. Administration of Programs and Services. R340.1744; Physically and Otherwise Health Impaired programs; effective dates. Rule 44 p.21 (1983).		

STATE | **HANDICAPPING CONDITION** | **STAFF TO STUDENT RATIO**

MINNESOTA

"ORTHOPEDICALLY IMPAIRED" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congential anomaly (e.g., clubfoot, absence of some member, etc.,), impairments caused by disease (e.g., polimyelitis, bone tuberculosis, etc.,), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).

"OTHER HEALTH IMPAIRED" means
(i) having an autistic condition which is manifested by severe communication and other developmental and educational problems; or
(ii) having limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance.

Education of the Handicapped Act, PL 94-142, Subchapter 1-General Provisions, Section 140.1, Reg. 300.5(b), (6)-(7).

The following table sets forth by levels of service the maximum number of school-age pupils that may be assigned to a teacher. "Case load" means the number of pupils taught.

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Level 2		
Speech and language handicapped and developmental adaptive physical education		60
All other disabilities		30
Level 3		
Speech and language handicapped and developmental adaptive physical education		40
All other disabilities		18
Level 4		
Deaf/blind, autistic, or severely multiply handicapped		3
With one aide		6
Mildly mentally handicapped or specific learning disabled		12
With one aide		15
All other disabilities		8
With one aide		10
With two aides		12
Level 5 and 6		
Deaf/blind, autistic, severely multiply handicapped		
With one aide		4
With two aides		6

Revised Special Education Rules, CH 7; 3525.2340 SCHOOL-AGE LEVELS OF SERVICE. Subpart 3. Caseloads for school-age levels of service. p. 19 (1984).

MISSISSIPPI

PHYSICALLY HANDICAPPED children are those whose orthopedic or other health impairments adversely affect their educational performance.

"ORTHOPEDIC IMPAIRMENTS" include those caused by a congenital anomaly (e.g., clubfoot, absence of some member, etc.); impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.); and impairments from other causes (e.g., fractures or burns which cause contractures, amputation, cerebral palsy, etc.).

Regulations for the Operation of the Mississippi Program for Exceptional Children; Program Placement Options to be Considered; p. 66 (1983).

... no label should predetermine the services needed. The needs of the child as determined by the IEP process should be the basis for program placement for all children.

Regulations for the Operation of the Mississippi Program for Exceptional Children; Program Placement Options to be Considered; p. 27 (1983).

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
MISSISSIPPI	"OTHER HEALTH IMPAIRMENTS" cause limitations in strength, vitality, or alertness due to chronic or acute health problems (such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, and diabetes). Federal guidelines indicate that "autistic-like" children may be ruled physically handicapped. Regulations for the Operation of the Mississippi Program for Exceptional Children; Program Placement Options to be Considered; p. 66; (1983).	... no label should predetermine the services needed. The needs of the child as determined by the IEP process should be the basis for program placement for all children. Regulations for the Operation of the Mississippi Program for Exceptional Children; Program Placement Options to be Considered; p. 27 (1983).		
MISSOURI	PHYSICALLY AND OTHER HEALTH IMPAIRED children will have a medically diagnosed physical or physiological condition causing educationally related problems. These conditions will require specific material modification, special adaptation, special equipment or therapies. Special education personnel serving these children generally hold certification for the orthopedically impaired. a. PHYSICALLY IMPAIRED 1. Physically impaired may refer to muscular or neuromuscular conditions which significantly limit the ability to move about, sit, or manipulate the materials required for learning. 2. Skeletal abnormalities which affect ambulation, posture, and body use necessary in school work. b. HEALTH IMPAIRED Health impaired may refer to disabilities which result in reduced efficiency in school work because of temporary or chronic lack of strength, vitality, or alertness due to health problems. Missouri State Plan for Special Education, FY 84-86; Resource Guide for Special Education; Volume I-B; p. A- 17 and 18; (1983).	Itinerant Instruction Resource Room Self-Contained Missouri State Plan for Special Education, FY 84-86; Resource Guide for Special Education; Volume I-B; p. A-22; (1983).	10 8 5	20 15 8
MONTANA	"ORTHOPEDICALLY IMPAIRED" means a severe orthopedic impairment, which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.); impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.); and impairments from other causes (e.g., fractures or burns which cause contractures, amputation, cerebral palsy, etc.). Montana Laws and Rules - Special Education Reference Manual; p. 3 (1983).	No staff to student ratio found in the Manual. Montana Laws and Rules - Special Education Reference Manual; (1983).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
MONTANA	"OTHER HEALTH-IMPAIRED" means: (a) having an Autistic condition that is manifested by severe communication and other developmental and educational problems; or (b) having limited strength, vitality, or alertness due to chronic or acute health problems (such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, and diabetes. Montana Laws and Rules - Special Education Reference Manual; p. 2; (1983).	No staff to student ratio found in the Manual. Montana Laws and Rules - Special Education Reference Manual; (1983).		
NEBRASKA	PHYSICALLY HANDICAPPED children shall mean children who are visually handicapped, acoustically handicapped, defective in speech, cardiopathic, tubercular, cerebral palsied, orthopedically handicapped, or otherwise physically handicapped, and who, by reason of their physical defects are unable to attend regular public school classes, are not physically adapted to full-time membership in regular school facilities, or who, in order to profit from regular school instruction, need facilities and procedures not available in the regular public school classes attended by physically normal children. ORTHOPEDICALLY HANDICAPPED (OH) children shall mean children whose locomotion, mobility, or use of limbs, is impaired by crippling because of congenital anomaly, birth injury, trauma, tumor, infection, disease, or other conditions such as fragile bones or cardiac impairment. These children who, by reason of their physical defects, are unable to attend regular public school classes, are not physically adapted to hold full-time membership in regular school facilities, or who, in order to profit from regular school instruction, need facilities and procedures not available in the regular public school classes attended by physically normal children. Nebraska Department of Education Rule 51: Regulations for School Age Special Education Programs; Title 92, Nebraska Administrative Code. CH 51; pp. 4-5 (1981).	Special Classroom		
		Orthopedically Handicapped		12
		Nebraska Department of Education Rule 51: Regulations for School Age Special Education Programs; Title 92, Nebraska Administrative Code. CH 51; pp. 21-22 (1981).		
NEVADA	"PHYSICALLY HANDICAPPED" means a physical condition which affects educational performance in a child with average or above average intelligence. "ORTHOPEDICALLY IMPAIRED" means a severe orthopedic impairment which adversely affects a child's educational performance. Standards for Administration of Special Education Programs, Nevada Department of Education; p. 30 (1985).	Special Education Program		
		Caseload		20
		Class Size		6
		Homebound		
		Caseload		10 per week
		Preschool Programs (1/2 day)		6 per 1/2 day
		Standards for Administration of Special Education Programs, Nevada Department of Education; p. 30 (1985).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
NEW HAMPSHIRE	"ORTHOPEDICALLY IMPAIRED" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.); impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.); and impairments from other causes (e.g., fractures or burns which cause contractures, amputation, cerebral palsy, etc.). "OTHERWISE SEVERELY HEALTH IMPAIRED" means limited strength, vitality, or alertness due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, and diabetes, which adversely affects a child's educational performance. This term includes students who are autistic. New Hampshire Board of Education, New Hampshire Standards for the Education of Handicapped Students; p. 6; (1981).	The class shall be organized either on a categorical basis or according to the degree of severity of the handicapping condition. New Hampshire Board of Education, New Hampshire Standards for the Education of Handicapped Students; ED 1119.05 Class Size and Range; p. 49 (1981).		
NEW JERSEY	"ORTHOPEDICALLY HANDICAPPED" means a condition which, because of malformation, malfunction or loss of bones, muscle or body tissue, necessitates special education and/or related services. An evaluation by a physician qualified to conduct an orthopedic evaluation is required. New Jersey Administrative Code, Title 6 Education, Subtitle F Division of Special Education, CH 28 Special Education; p. 40; (1984).	Special Class Program * ... maximum class sizes may be increased no more than one-third with the addition of a classroom aide ... New Jersey Administrative Code, Title 6 Education, Subtitle F Division of Special Education, CH 28 Special Education; pp. 56-57 (1984).		10
NEW MEXICO	The PHYSICALLY IMPAIRED (HEALTH IMPAIRED) child is one whose bodily function is impaired due to congenital or acquired defects in physical structure and/or function, or one who has chronic illness which prevents regular class attendance. (a) ORTHOPEDICALLY IMPAIRED means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.); impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.); and impairments from other causes (e.g., fractures or burns which cause contractures, amputation, cerebral palsy, etc.). (b) OTHER HEALTH IMPAIRED means limited strength, vitality, or alertness due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, and diabetes. New Mexico State Board of Education; Educational Standards for New Mexico Schools. Basic, Special Education, Vocational Programs, Section B - Special Education Program Standards; p. B-61; (1985).	Recommendations for program needs of an exceptional child is to be based on the severity of special educational need(s), rather than the handicapping condition. New Mexico State Board of Education; Educational Standards for New Mexico Schools. Basic, Special Education, Vocational Programs, Section B - Special Education Program Standards; p. B-62 (1985).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
NEW YORK	"ORTHOPEDICALLY IMPAIRED" - A pupil who is physically handicapped and who has a severe orthopedic impairment, which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.); impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.); and impairments from other causes (e.g., fractures or burns which cause contractures, amputation, cerebral palsy, etc.). "OTHER HEALTH IMPAIRED" - A pupil who is physically handicapped and who has limited strength, vitality, or alertness due to chronic or acute health problems including but not limited to a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, and diabetes or Tourette's syndrome, which adversely affect a pupil's educational performance. Regulations of the Commissioner of Education, Subchapter P. Part 200 - Handicapped Children; 200.1 Definitions. p. 3 (1984).	In all cases the size and composition of a class shall be based on the similarity of the individual needs of the pupils according to: (i) levels of academic or educational achievement and learning ratios; (ii) levels of social development; (iii) levels of physical development; and (iv) the management needs of the pupils in the classroom. ... a special class shall be composed of pupils with the same handicapping conditions or of pupils with differing conditions but with similar individual needs. Regulations of the Commissioner of Education, Subchapter P. Part 200 - Handicapped Children; 200.1 Definitions. p. 20 (1984).		
NORTH DAKOTA	PHYSICALLY HANDICAPPED: The student's deficit in motor functioning is sufficiently severe to require special equipment, prosthetic devices, and a modified education program. These deficits may be expected to continue, but the appropriate educational program will increase the probability of future independence. Special Education in North Dakota; Guide I - Laws, Policies and Regulations for Special Education for Exceptional Children; p. IV-38 (1982).	Special Class * Approvable class size for programs for physically handicapped students will be determined by the equipment and materials needed for the student, the size of the classroom, and the amount of time each student spends in the regular classroom. Special Education in North Dakota; Guide I - Laws, Politics and Regulations for Special Education for Exceptional Children; p. IV-38 (1982).	6	12
OHIO	"ORTHOPEDICALLY HANDICAPPED" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g. clubfoot, absence of some member, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures). "OTHER HEALTH IMPAIRED" means having an autistic condition which is manifested by severe communication and other developmental and educational problems; or having limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophlia, epilepsy, lead poisoning, leukemia, or diabetes, which adverseely affects a child's educational performance. Rules for the Education of the Handicapped Children, 3301-51-01 Definitions. GG. and II. pp. 8-9 (1982).	Special Class Rules for the Education of Handicapped Children, 3301-51-04 Special Education Programs for Handicapped Children. D. Program for Orthopedically and/or Other Health Handicapped Children. p. 61 (1982).	6	10

STATE | **HANDICAPPING CONDITION** | **STAFF TO STUDENT RATIO**

OKLAHOMA

"ORTHOPEDICALLY IMPAIRED" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g. clubfoot, absence of some member, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).

"OTHER HEALTH IMPAIRED" means having an autistic condition which is manifested by severe communication and other developmental and educational problems; or having limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophlia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance.

Policies and Procedures Manual for Special Education in Oklahoma, C. Category Definitions, State Regulations and Class Size; p. 7 (1982).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Self-contained		
Orthopedically Impaired	3	15
Other Health Impaired	3	10

Policies and Procedures Manual for Special Education in Oklahoma; C. Category Definitions, State Regulations and Class Size; pp. 35-36 (1982).

OREGON

"ORTHOPEDICALLY IMPAIRED" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g. clubfoot, absence of some member, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).

"OTHER HEALTH IMPAIRED" means limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophlia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance.

Oregon Administrative Rules; CH 581; Division 15 - Department of Education; p. 1 (1984).

The education program shall maintain pupil/teacher ratio at all unstructured levels that are functional in view of the purposes of the student groupings. Pupil/teacher ratio shall be of such a nature that all enrolled pupils will have access to individualized instruction.

Oregon Administration Rules, CH 581, Division 15 - Department of Education; p. 19 (1984).

PENNSYLVANIA

PHYSICALLY HANDICAPPED - Orthopedically and/or health impairments of sufficient magnitude to limit a person's classroom accommodation and educational performance. A person shall be assigned to a program for the physically handicapped when the evaluation and Individualized Education Program indicate that the evaluation includes reports from a physician and a certified public school psychologist.

Standards for Special Education, 22 PA. Code CH 341, Section 341.1 Definitions (b) (6) pp. 2-3.

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Itinerant		
Elementary		15
Secondary		50
Resource Rooms		
Elementary		5
Secondary		15
Part Time		
Elementary		6
Secondary		12
Full Time		
Elementary		6
Secondary		12

Standards for Special Education, 22PA. Code CH 341, Section 341.35 Approval of Plans, Constant Enrollment by Organizational Patterns; p. 14.

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
RHODE ISLAND	The ORTHOPEDICALLY HANDICAPPED and HEALTH IMPAIRED: A child of normal intelligence who is so physically handicapped thorough congenital or acquired defect that locomotion or bodily activity is impaired to the extent that he/she is unable to function physically with normal children of the same age and grade expectancy level and whose participation in a school program would be prevented unless he/she is afforded instruction in a special class, at home, in a hospital, or in a regular class to which special transportation is necessary and/or within which special accommodation is necessary. Education for Handicapped Children, Regulations of the Board of Regents Governing the Special Education of Handicapped Children; p. 3 (amended 1980).	Self-contained, special classes Part time or full-time for mildly and moderately handicapped children, with a teacher's aide. Placement of school-age handicapped children in special classes shall not exceed a four (4) year chronological age span and shall be based on the homogeniety of disability and developmental level as such factors affecting learning behavior and mobility as determined by the evaluation process. Education for Handicapped Children, Regulations of the Board of Regents Governing the Special Education of Handicapped Children; {2.1.1, {2.1.3 p. 32 (amended 1980).		8
TENNESSEE	PHYSICALLY HANDICAPPED: A child who has a severe orthopedic impairment which adversely affects educational performance is considered physically handicapped. The term includes impairments caused by congenital anomaly, disease, and other causes. Rules, Regulations & Minimum Standards for the Governance of Public Schools in the State of Tennessee; p. 84; (1982).	In grades kindergarten through 12, maximum membership of any class shall not exceed: (i) Kindergarten - 25 pupils (ii) Grades 1 through 3 - 25 pupils (iii) Grade 4 - 28 pupils (iv) Grades 5 through 6 - 30 pupils (v) Grades 7 through 12 - 35 pupils This regulation should not be interpreted to prohibit ungraded classes, team teaching, individualized instruction, or other such programs designed to meet student needs, if the teacher's weekly pupil load is compatible with the above regulation. Rule, Regulations and Minimum Standards for the Governance of Public Schools in the State of Tennessee, CH 0520-1-3; p. 45 (1982).		
UTAH	PHYSICALLY HANDICAPPED and OTHER HEALTH IMPAIRED refers to those students who have orthopedic impairments, motor handicaps and/or physical health conditions, congenital or acquired, or chronic health problems, who need Special Education intervention to achieve in the educational program. Rules and Regulations for Education for the Handicapped; Utah State of Education; p. 39 (1981).	Self-Contained Special Class Rules and Regulations for Education for the Handicapped; Utah State Office of Education; p. 20 (1981).		12
VERMONT	Children who are ORTHOPEDICALLY HANDICAPPED have a variety of physically handicapping conditions resulting from many causes. Flexibility and individualization are important aspects of the education of these children. They may require physical and speech therapy, and adjustments in the school program. Special Educational and Pupil Services; Policies and Regulations of the Program for the Education of Handicapped Pupils; p. 42 (1975).	In determining an appropriate size or caseload, consideration shall be given to the unique educational requirements of the pupils who comprise the class roster or caseload. Adjustments shall be made to account for the nature and severity of the pupil's unique needs. Special Education Rules From the Vermont State Board of Education Manual of Rules and Practices; 2365.1.2 Class Size/Caseload.; p. 6 (1982).		

STATE | **HANDICAPPING CONDITION** | **STAFF TO STUDENT RATIO**

WEST VIRGINIA

PHYSICALLY HANDICAPPED students have physical impairments which may be congenital or caused by accident or disease, resulting in permanent, temporary, or intermittent medical disabilities. These impairments require modification in curriculum, instructional strategies, and/or a need for related services. The type, extent and/or duration of services are determined by the nature of the individual's disability. For purposes of further clarification and delineation, the term physically handicapped in these regulations shall include:

ORTHOPEDICALLY IMPAIRED - impairments caused by congenital anomaly (e.g., spina bifida, congenital amputation, osteogenesis imperfecta, etc.), impairments caused by disease (e.g., osteomyelitis, poliomyelitis, arthritis, etc.), and impairments from other causes (e.g., amputation, cerebral palsy, dystrophies and atrophies, and conditions which causes contractures, etc.); and

OTHER HEALTH IMPAIRED - impairments of limited strength, vitality, or alertness due to chronic or acute health problems such as heart condition, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, cystic fibrosis, cancer or diabetes.

West Virginia Department of Education, Office of Special Education Administration. Regulations for the Education of Exceptional Students; p. 74 (1983).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Regular Education Program		
With modification		20
Regular Education with Resource Services		
With full-time aide		15
Special Education Self-contained		
With full-time aide		10

West Virginia Department of Education, Office of Special Education Administration. Regulations for the Education of Exceptional Students; p. 75 (1983).

WISCONSIN

PHYSICALLY HANDICAPPED

A physically handicapped child is one who has some physical defect such as affection of the joints or bones, disturbances of the neuromuscular mechanism, congential deformities, cardiac condition, spastic and other acquired deformities. Such physical defects, organic diseases or conditions may hinder the child's achievement of normal growth and development.

Rules Implementing Subchapter IV of CH 115, Wisconsin Statues, CH PI, PI 11.34 Eligibility (2) HANDICAPPING CONDITION (b) p. 122 (1981).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Self-contained Complete		
Early Education	5	7
Primary	5	7
Intermediate	5	9
Elementary Wide Range	5	7
Middle/Junior	5	10
Senior	5	10
Secondary Wide Range	5	10
Self-contained Modified		
Early Education	5	9
Primary	5	9
Intermediate	5	11
Elementary Wide Range	5	9
Middle/Junior	5	11
Senior	5	12
Secondary Wide Range	5	10

Wisconsin Division for Handicapped Children, Bulletin No. 83.1 Minimum/Maximum Enrollment Criteria for 1983-84.

STATE | **HANDICAPPING CONDITION** | **STAFF TO STUDENT RATIO**

WISCONSIN
cont'd

PHYSICALLY HANDICAPPED

A physically handicapped child is one who has some physical defect such as affection of the joints or bones, disturbances of the neuromuscular mechanism, congential deformities, cardiac condition, spastic and other acquired deformities. Such physical defects, organic diseases or conditions may hinder the child's achievement of normal growth and development.

Rules Implementing Subchapter IV of CH 115, Wisconsin Statues, CH PI, PI 11.34 Eligibility (2) HANDICAPPING CONDITION (b) p. 122 (1981).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Self-contained Integrated		
Early Education	7	11
Primary	7	11
Intermediate	7	13
Elementary Wide Range	7	11
Middle/Junior	7	14
Senior	7	14
Secondary Wide Range	7	14

* Units frequently include children with other handicaps in addition to being physically handicapped. Experience in changing populations and inclusion of severely involved children necessitates one or more teacher aides in almost every instance.

Wisconsin Division for Handicapped Children, Bulletin No. 83.1 Minimum/Maximum Enrollment Criteria for 1983-84.

5. SERIOUSLY EMOTIONALLY DISTURBED

ALABAMA

EMOTIONALLY CONFLICTED

Students exhibiting one or more of the following charactertistics over a long period of time and to a marked degree, which adversely affect educational performance may be classified as "Emotionally Conflicted."

- A. An inability to learn which cannot be explained by intellectual, sensory, or health factors.
- B. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- C. Inappropriate types of behavior or feelings under normal circumstances.
- D. A general pervasive mood or depression.
- E. A tendency to develop physical symptoms or fears associated with personal or school problems.

* Rather than specifically labeling such children,... deal with the symptoms behavior and educational program needs of these children:

1. Autistic, Schizophrenic, Psychotic Pattern
2. Consistent Social/Behavior Problem Pattern
3. Inconsistent Social/Behavior Problem Pattern
4. Reactive/Adjustment Problem Pattern.

Policies and Procedures Manual: Program for Exceptional Children and Youth; Bulletin 1980; No. 31; pp 83-86.

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
A. Autistic, Schizophrenic, Psychotic Pattern		
Self-Contained		4
B. Consistent Social/Behavior Problem Pattern		
Resource Room		8
During any class period		4
C. Inconsistent Social/Behavior Problem Pattern		
Resource Room		12
During any class period		6
D. Reactive/Adjustment Problem Pattern		
Resource Room		20

Policies and Procedures Manual: Program for Exceptional Children and Youth; Bulletin 1980; No. 31; pp. 86-87.

ARKANSAS

"SERIOUSLY EMOTIONALLY DISTURBED" means a condition exhibiting one or more of the following charactertistics over a long period of time and to a marked degree which adversely affect educational performance:

(1) an inability to learn which cannot be explained by intellectual, sensory, or health factors;

(2) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(3) inappropriate types of behavior or feelings under normal circumstances;

(4) a general pervasive mood of unhappiness or depression; or

(5) a tendency to develop physical symptoms or fears associated with personal or school problems.

Program Standards and Eligibility Criteria for Special Education; p. 17-1 (1981).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Itinerant Instruction		25
Resource Room		20
Special Class (moderate to severe)		8

Program Standards and Eligibility Criteria for Special Education; p. 4-1 (1981).

STATE

HANDICAPPING CONDITION

STAFF TO STUDENT RATIO

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum

ARIZONA

"SERIOUSLY EMOTIONALLY HANDICAPPED" means a child who because of serious social or behavioral problems, as determined by evaluation pursant to ˜15-766, is unable or incapable of meeting the demands of regular classroom programs in the schools and in the opinion of diagnostic and instructional personnel the child requires special classes or special services designed to promote his educational and emotional growth and development.

Arizona Revised Statutes: Annotated 1983 Special Pamphlet; Title 15 Education; CH 7, Section 15-761; p. 241.

...policy with regard to allowable pupil-teacher ratios and pupil-staff ratios within the district or county for provision of special education services.

Arizona Revised Statutes: Annotated 1983 Special Pamphlet; Title 15 Education; CH 7, Section 15-764; p. 245.

COLORADO

Significant identifiable EMOTIONAL or BEHAVIORAL DISORDER:

Social or behavioral functioning such that the child cannot be adequately and/or safely educated in the regular school program....One or more of the following characteristics will indicate a significant identifiable emotional or behavioral disorder:

(a) Behavior which is dangerous to the child himself and/or others.

(b) Behavior which seriously interfers with the child's learning, or that of his classmates.

(c) Inability to retain academic information.

(d) Significantly limited self-control.

(e) Lack of positive and sustained interpersonal relationships.

(f) Persistent physical complaints related to stress and/or anxiety.

(g) Pervasive moods of anxiety or depression.

(h) Persistent patterns of bizarre and/or exaggerated behavior reactions to routine environment.

(i) Extended periods of time with observable withdrawal that has no apparent positive coping aspect.

1 Colorado Code of Regulations 301-8; Administration of The Exceptional Children's Act; p. 4 (1983).

Program Type	Minimum	Maximum
Self-Contained		
Preschool		8
Elementary		8
Secondary		8
Resource Room		
Preschool		8
Elementary		15
Secondary		15
Itinerant		
Elementary		30
Secondary		30

1 Colorado Code of Regulations 301-8; Administration of The Exceptional Children's Act; p. 14 (1983).

STATE	**HANDICAPPING CONDITION**	**STAFF TO STUDENT RATIO**		
			Class Size/Caseload	
		Program Type	**Minimum**	**Maximum**
CONNECTICUT	"SOCIALLY and EMOTIONALLY MALADJUSTED" means a child with a psychological condition, stemming from inter- and intrapersonal conflict, which manifests itself in behavior which significantly impedes the child's rate of educational development. The term emotionally maladjusted shall refer to a child whose condition includes one or more of the following characteristics: (a) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers; (b) Inappropriate types of behavior or feelings under normal circumstances; (c) A general pervasive mood of unhappiness or depression; or (d) A tendency to develop physical symptoms or fears associated with personal or school problems. The term socially maladjusted shall refer to a child who continously exhibits behaviors that do not meet minimal social standards for conduct required in the school and whose inability to adjust to such standards results in a significant disruption of educational development for the child and/or other students. The term socially maladjusted shall apply only where the cause of the child's deviant behaviors is emotional maladjustment. Regulations Concerning Children Requiring Special Education: Section 10-76a to 10-761, Inclusive, of The General Statutes; p. 6 (1980).	The number and age range of children requiring special education and related services assigned to a class shall be such that the specifications of each child's individualized education program can be met. Regulations Concerning Children Requiring Special Education: Section 10-76a to 10-761, Inclusive, of The General Statutes; p. 14 (1980).		
DELEWARE	SOCIAL or EMOTIONAL MALADJUSTMENT The child exhibits behavior representative of conflict between self and environment repeatedly and over time to such an extent and duration that it significantly affects the learning process. a. Acting out behavior such as unpredicted and unprovoked hitting, aggressive, and disruptive behaviors. b. Withdrawing behavior such as absence of speech, depression, impulsive and obsessive behaviors. c. Defensive behaviors such as compulsive eating, manipulation, or running away from home or school. d. Disorganized behaviors such as out-of-touch with reality, self-abusive behavior, lack of self control. (Psychologist and/or Psychiatrist) Administrative Manual for Programs for Exceptional Children; p. 23 (revised 1983).	Class for Social or Emotional Maladjustment Administrative Manual for Programs for Exceptional Children; Unit of Pupils, p. AI-12 (revised 1983).		10

STATE — **HANDICAPPING CONDITION** — **STAFF TO STUDENT RATIO**

DISTRICT OF COLUMBIA

SERIOUSLY EMOTIONALLY DISTURBED

A student who has an inability to learn which cannot be explained by intellectual, sensory, or health factors, and who exhibits one or more of the following characteristics over a long period of time and to a marked degree:

(a) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(b) Inappropriate types of behavior or feelings under normal circumstances;

(c) A generally pervasive mood of unhappiness or depression; or

(d) A tendency to develop physical symptoms or fears associated with personal or school problems; but

(e) The term does not include socially maladjusted students unless it is determined that they are also seriously emotionally disturbed.

State Requirements and Program Standards for Special Education in the District of Columbia; District of Columbia Board of Education; p. 27 (1986).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
	Elementary	Secondary
Itinerant	20	25
Part-time	12	15
Self-contained	8	10

* With the assignment of an aide the caseload may be increased by no more than two (2) students.

State Requirements and Program Standards for Special Education in the District of Columbia; District of Columbia Board of Education; p. 28 (1986)

FLORIDA

EMOTIONALLY HANDICAPPED - one who after receiving supportive educational assistance and counseling services available to all students, still exhibits persistent and consistent severe behavioral disabilities which consequently disrupt the student's own learning process. This is the student whose inability to achieve adequate academic progress or satisfactory interpersonal relationships cannot be attributed primarily to physical, sensory ot intellectual deficits. The term does not include children who are socially maladjusted, unless it is determined that they are emotionally handicapped. For purposes of funding, emotionally handicapped students shall be classified as:

(a) Emotionally handicapped
(b) Severely emtionally handicapped.

A Resource Manual for the Development and Evalaution of Special Programs for Exceptional Students. Volume I-B: Florida Statutes and State Board of Education Rules: Excerpts for Programs for Exceptional Children; 6A-6.3016; p. 51 (1982).

No regulations for class size/caseload ratios in the State Board of Education Rules (1974).

A Resource Manual for the Development and Evaluation of Special Programs for Exceptional Students. Volume I-B: Florida Statutes and State Board of Education Rules: Excerpts for Programs for Exceptional Students; 6A-6.3016; (1982).

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
GEORGIA	A BEHAVIOR DISORDER is characterized by: a. An inability to build or maintain satisfactory interpersonal relationships with peers and/or teachers. b. An inability to learn which cannot be adequately explained by intellectual, sensory, neuropsychological or general health factors. c. Consistent or chronic inappropriate types of behavior or feelings under normal conditions. d. Displayed pervasive mood of unhappiness or depression. e. Displayed tendency to develop physical symptoms or fears associated with personal or school problems. A behaviorally disordered (BD) student is a student who, after receiving regular educational assistance, counseling, alternative placement and/or other procedures available to all students, still exhibits one or more of the above characteristics of sufficient duration, frequency, and intensity that it interfere significantly with educational performances to the degree that provision of special educational services is necessary. Georgia Department of Education Regulations and Procedures. VI: Program Areas; IDDFd3-18 (1984).	Self-contained		10
		Resource		24
		Itinerant		20
		Georgia Education Regulations and Procedures. VI: Program Areas; IDDFd3-19 (1983).		
GEORGIA	SEVERELY EMOTIONALLY DISTURBED Psychoeducational Centers in Georgia serve severely emotionally disturbed children and youth...one or more of the following characteristics exhibited by the children may be regarded as eligibility for placement. a. Severe behavioral disturbance...not limited to, childhood schizophrenia and adjustment reactions. b. Severe behavioral disorders...autism, neurological impairment, cultural deprivation, developmental lag, and family-related problems. c. Severe school-related problems manifested in, but not limited to behavior, socialization, communication and academic skills. The term SEVERELY EMOTIONALLY DISTURBED does not include socially maladjusted students unless it is determined that they are also severely emotionally disturbed or severely behaviorally disordered. Georgia Education Regulations and Procedures. VI: Program Areas; IDDFd3-20 (1983).	Ages 0 through 14		8
		Ages 15 through 18		10
		Georgia Education Regulations and Procedures. VI: Program Areas; IDDFd3-20 (1983).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
IDAHO	EMOTIONALLY IMPAIRED A condition in which the following characteristics are exhibited over a long period of time and to a marked degree which adversely affects educational performance: (1) an inability to learn which cannot be explained by intellectual, sensory, or health factors; (2) an inability to build or maintain satisfactory interpersonal relationships with peers and adults; (3) inappropriate types of behavior or feelings under normal circumstances. This term does not include children who are socially maladjusted, unless it is determined that they are emotionally impaired. Idaho State Board of Education Rules and Regulations Pertaining to Special Education and Federal Regulations Under PL 94-142; Alphabetical Definition of Terms, 1.9; p. 2 (1983).	Non-categorical service delivery systems. Idaho State Board of Education Rules and Regulations Pertaining to Special Education and Federal Regulations Under PL 94-142; pp. 46-47, 52, 54 (1983).		
ILLINOIS	BEHAVIOR DISORDER The child exhibits an affective disorder and/or adaptive behavior which significantly interfers with his or her learning and/or social functioning. Rules and Regulations to Govern the Administration and Operation of Special Education, Article IX Identification, Evaluation, and Placement of Exceptional Children, 9.16, 7 p. 40 (1979).	Instructional Program Rules and Regulations to Govern the Administration and Operation of Special Education, Article IV Special Education Instructional and Resource Program, 4.04, 3 p. 15 (1979).		8
INDIANA	SERIOUSLY EMOTIONALLY HANDICAPPED A child with a severe condition exhibited over a long period of time to a marked degree, which adversely affects educational performance and is characterized by one or more of the following: a) an inability to learn which cannot be explained by intellectual, sensory, or health factors (including children who are autistic); b) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; c) an inappropriate type(s) of behavior or feeling under normal circumstances (does not include children who are only socially maladjusted); d) a general pervasive mood of unhappiness or depression; e) a tendency to develop physical symptoms or fears associated with personal or school problems. Rules, Regulations and Policies Adopted and Promulgated by the Commission on General Education of the Indiana State Board of Education. State of Indiana Rule S-1; Section 4 Special Education Programs for Handicapped Children B. 1. Definition; p. 22 (1978).	Class sizes and caseloads shall be limited in number to allow the teacher to meet the individual needs of each child enrolled as specified in the child's individualized education program. The class size and caseload shall be determined by: (a) The severity of the handicapping conditions of the children to be enrolled; (b) The types and intensity of instruction needed; (c) The children's ages; (d) The availability of paraprofessionals; and (e) The related services to be provided outside the classroom by other personnel. Caseload shall also be determined, in the case of the instructional resource service, by the number of schools and the distance between schools served. In addition, if the teacher is not assigned to a full-time special education position, the caseload shall be adjusted. Rules, Regulations and Policies Adopted and Promulgated by the Commission on General Education of the Indiana State Board of Education. State of Indiana Rule S-1, Section 4 Special Education Programs for Handicapped Children B. 4. Placement c. Special Classes for the Seriously Emotionally Handicapped p. 23-24 (1978).		

STATE | HANDICAPPING CONDITION | STAFF TO STUDENT RATIO

IOWA

BEHAVIORALLY DISORDERED is the inclusive term for patterns of situationally inappropriate behavior which deviate substantially from behavior appropriate to one's age and significantly interfere with the learning process, interpersonal relationships, or personal adjustment of the pupil to such an extent as to constitute a behavioral disorder.

> Clusters of behavior chacteristics of pupils who are behaviorally disordered include: Cluster I - Significantly deviant disruptive, aggressive or impulsive behaviors; Cluster II - Significantly deviant withdrawn or anxious behaviors; Cluster III - Significantly deviant thought processes manifested with unusual communication or behavioral patterns or both; and Cluster IV - Significantly deviant behavior patterns characterized by deficits in cognition, communication, sensory processing or social participation or a combination thereof that may be referred to as autistic behavior. A pupil's behavior pattern may fall into more than one of the above clusters.

Public Instruction [670]; Special Education and Guidance; CH 12: Special Education; Division I - Scope, General Principles and Definitions. 670--12.3(281) Definitions; p. 2 (1985).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Resource Teaching Program		18
Special Class w/integration		
Elementary		12
Secondary		15
Self-contained Special Class w/Little Integration		
Preschool		8
Elementary		8
Secondary		10
Self-contained Special Class Severely Handicapped		5

Public Instruction [670]; Special Education and Guidance; CH 12: Special Education; Division I - Scope, General Principles and Definitions. 670--12.3(281) Definitions; p. 9 (1985).

KENTUCKY

EMOTIONALLY DISTURBED (BEHAVIOR DISORDERED)

An admissions and release committee shall determine that a child is emotionally disturbed (behavior disordered) provided the following eligibility criteria are met:

(a) The child manifests symptoms characterized by diagnostic labels such as psychosis, schizophrenia and autism; and/or

(b) The child demonstrates one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:
- (1) An inability to learn at a rate commensurate with intellectual, sensory-motor and/or physical development because of emotional problems;
- (2) An inability to build or maintain satisfactory interpersonal relationships with peers and adults;

Kentucky Administrative Regulations - Related to Exceptional Children, Title 707 KAR 1:054, pp. 37-38 (1981).

Classroom Plan (Units)	Minimum	Maximum
Special Class Plan	5	8
Resource Plan	6	15

No more than eight (8) pupils, all within a 4 year age span may be in the resource room during any one instructional period.

Kentucky Administrative Regulations - Related to Exceptional Children, Title 707 KAR 1:054, p. 39 (1981).

STATE | **HANDICAPPING CONDITION** | **STAFF TO STUDENT RATIO**

KENTUCKY
cont'd

EMOTIONALLY DISTURBED (BEHAVIOR DISORDERED)

(3) Behavior which is disruptive to the learning process of other students or himself;
(4) A general pervasive mood of unhappiness or depression; and
(5) A tendency to develop physical symptoms or fears associated with personal or school problems;

(c) The criteria does not include those who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.

Kentucky Administrative Regulations - Related to Exceptional Children, Title 707 KAR 1:054, pp. 37-38 (1981).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Classroom Plan (Units)		
Special Class Plan	5	8
Resource Plan	6	15

No more than eight (8) pupils, all within a 4 year age span may be in the resource room during any one instructional period.

Kentucky Administrative Regulations - Related to Exceptional Children, Title 707 KAR 1:054, p. 39 (1981).

LOUISIANA

EMOTIONALLY DISTURBED is a serious pattern of behavior which enables a child to be classified as behavior disordered and which is so severe as to require special education services for the full school day or longer and for which extended individual therapy/counseling or other related services are needed. The term includes children who schizophrenic.

Louisiana's Law for Exceptional Students. Bulletin 1706; Regulations for Implementation of The Exceptional Children's Act (RS 17:1941 et seq), p. 103 (1983).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Elementary	4	7
Secondary	4	7

Louisiana's Law for Exceptional Students. Bulletin 1706; Regulations for Implementation of The Exceptional Children's Act (RS 17:1941 et seq), p. 121 (1983).

MAINE

BEHAVIOR - The child exhibits affective, reactive and/or maladjustive behavior(s) to a marked extent and over a significant part of the school day or year, that significantly interferes with the child's learning or that of other children; specialized education programs and/or services are required to provide for the child's educational progress and potential.

Maine's Special Education Regulations: Statute #3123. Definitions; 101.6 DEFINITIONS p. 15 (1981).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Self-contained Program		*
Primary (ages 5-9)		8(+3)
Intermediate (ages 10-14)		8(+3)
Advanced (ages 15-20)		8(+3)

*...represents the number of additional students who can be included in a self-contained program during the time that a teacher aide, teacher assistant or teacher associate works in the same room.

...a resource program or services shall not exceed a total of 35 to 1, with no more than thirteen (13) to one with an aide or eight (8) to 1 being served at any one time without an aide.

Maine's Special Education Regulations: Statute #3123. Definitions; 101.6 DEFINITIONS p. 34 (1981).

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
MARYLAND	"SERIOUSLY EMOTIONALLY DISTURBED" is defined as follows: The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance: (aa) An inability to learn which cannot be explained by intellectual, sensory, or health factors; (bb) An inability to build or maintain satisfactory interpersonal relationships with peers and adults; (cc) Inappropriate types of behavior or feelings under normal circumstances; (dd) A general pervasive mood of unhappiness or depression; or (ee) A tendency to develop physical symptoms or fears associated with personal or school problems. (ii) The term includes children who are schizophrenic or autistic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed. Maryland State Board of Education, Title 13 A, Subtitle 05 Special Instructional Programs, Chapter 01 Programs for Handicapped Children, .02(h) Definitions, p. 2 (Amended 1980).	Service delivery by levels (Levels I, II, III, IV, V). Maryland State Board of Education. Title 13 A, Subtitle 05 Special Instructional Programs, Chapter 01 Programs for Handicapped Children, .02(h) Definitions; pp 17-19 (Amended 1980).		
MICHIGAN	EMOTIONALLY IMPAIRED (1) The emotionally impaired shall be determined through manifestation of behavioral problems primarily in the affective domain, over an extended period of time, which adversely affects the person's education to the extent that the person cannot profit from regular learning experiences without special education support. The problems result in behaviors manifested by 1 or more of the following characteristics: a) Inability to build or maintain satisfactory interpersonal relationships within the school environment. b) Inappropriate types of behavior or feelings under normal circumstances. c) General pervasive mood of unhappiness or depression. d) Tendency to develop physical symptoms or fears associated with personal or school problems. (2) The term "EMOTIONALLY IMPAIRED" also persons who, in addition to the above characteristics, exhibit maladaptive behaviors related to schizophrenia or similar disorders. The term "emotionally impaired" does not include persons who are socially maladjusted, unless it is determined that such persons are emotionally impaired. Michigan Special Education Rules; Part I. General Provisions. R340.1706; Determination of Emotionally Impaired Rule 6. p. 5 (1983).	Special Class Michigan Special Education Rules; Part III. Administration of Programs and Services. R340.1741 Emotionally Impaired Programs; effective dates. Rule 41. p. 20 (1983).		10

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
MICHIGAN cont'd	(3) The emotionally impaired shall not include persons whose behaviors are primarily the result of intellectual, sensory, or health factors.	Special Class		10
	(5) A determination of impairment shall not be based soley on behaviors relating to environment, cultural, or economic differences.	Michigan Special Education Rules; Part III. Administration of Programs and Services. Rule 41. R340.1741; p. 20 (1983).		
	Michigan Special Education Rules; Part I. General Provisions. R340.1706 Determination of emotionally impaired Rule 6; p. 5 (1983).			
MINNESOTA	EMOTIONAL/BEHAVIORAL DISORDERS	Level 2		30
	Emotional/behavioral disorder refers to a condition characterized by one or more of the following behavior clusters.	Level 3		16
	- severe deviant disruptive, aggressive or impulsive behaviors whch are beyond the student's control;	Level 4 With one aide With two aides		 10 12
	- severely deviant withdrawn or anxious behaviors, general pervasive unhappiness, depression or wide mood swings;	Level 5 & 6 With one aide		 8
	- severely deviant thought processes manifested by unusual behavior patterns, atypical communication styles and distorted interpersonal relationships. AND WHICH RESULTS IN EITHER - an inability to build or maintain satisfactory interpersonal relationships with peers, teachers, and/or school personnel; or - failure to attain or maintain a satisfactory rate of educational progress which cannot be explained by intellectual, sensory, health, cultural, or linguistic factors. AND There must be assurance that the condition is not primarily the result of intellectual, sensory, health cultural, linguistic, or chemical dependecy factors. No student shall be identified or placed in an E/BD program solely for disciplinary or chemical reasons.	Revised Special Education Rules, CH 7; p. 17 (1983).		
	Minnesota Department of Education, Section Draft III, Recommended Criteria For: Emotional/Behavioral Disorders, II. DEFINITION, p. 1 (1986).			

STATE — HANDICAPPING CONDITION — STAFF TO STUDENT RATIO

MISSISSIPPI

EMOTIONALLY HANDICAPPED (EmH)

A child who is seriously emotionally handicapped exhibits some of the following characteristics over a long period of time and to a marked degree, and these characteristics adversely affect educational performance:

1. an inability to learn which cannot be explained by intellectual, sensory, or health factors,
2. inability to build or maintain satisfactory interpersonal relationships with peers and/or teachers,
3. inappropriate types of behavior or feelings under normal circumstances, and
4. a general pervasive mood of unhappiness or depression and/or a tendency to develop physical symptoms or fears associated with personal or school problems.

Regulations for the Operation of the Mississippi Program for Exceptional Children; Program Placement Options to be Considered; p. 63 (1983).

Staff to Student Ratio:

... no label should predetermine the services needed. The needs of the child as determined by the IEP process should be the basis for program placement for all children.

Regulations for the Operation of the Mississippi Program for Exceptional Children; Program Placement Options to be Considered; p. 27 (1983).

MISSOURI

BEHAVIORAL DISORDERS/EMOTIONALLY DISTURBED

Behavioral disorders/emotionally disturbed refers to manifestations such as the following exhibited over an extended period of time and to a marked degree:

a. Difficulties in learning that cannot be explained by cultural, intellectual, sensory, or other health factors;
b. Difficulties in building or maintaining satisfactory interpersonal relationships with peers, parents, and teachers;
c. A general pervasive mood of unhappiness or depression; and
d. A tendency to develop physical symptoms, pains, or fears associated with personal or social problems.

Missouri State Plan for Special Education, FY 84-86, Resource Guide for Special Education, Volume I-B: Identification and Initial Programming, pp. A-13 & A-14 (amended 1983).

Staff to Student Ratio:

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Itinerant Teacher	10	20
Resource Room	10	20
Self-contained	6	10

Missouri State Plan for Special Education, FY 84-86, Resource Guide for Special Education, Volume I-B: Identification and Initial Programming, p. A-22 (amended 1983).

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
MONTANA	"EMOTIONALLY DISTURBED" means a condition exhibiting one or more of the following characteristics to a marked degree and over a long period of time: an inability to learn which cannot be explained by intellectual, sensory, or health factors; inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms, pains, or fears associated with personal or school problems. The term does not include children who are socially maladjusted. The emotionally disturbed category may include students who also may have been diagnosed by appropriate specialist as psychotic, sociopathic, or schizophrenic. "Emotionally disturbed"...person...having observable behavioral patterns... may include: (a) excessive physical or verbal aggression toward oneself or others and a lack of response to regular educational intervention; (b) high frequency of persistent inattention to academic or social tasks associated with regular classroom performance; and (c) persistent withdrawal from peer or adult interactions associated with the excepted social development in a regular educational environment. Montana Laws and Rules - Special Education Reference Manual; p. 2 (1983).	Self-contained Class Montana Laws and Rules - Special Education Reference Manual; p. 10 (1983).	4	12
NEBRASKA	BEHAVIORALLY IMPAIRED (BI) children shall mean children with a serious condition exhibiting one or more of the characteristics specified in this subsection in sufficient frequency, duration, or intensity to require intervention for educational, social, or emotional growth and development. The team shall include children who are autistic. The behavioral impairment cannot be explained by intellectual, sensory, or health factors. The characteristics of behaviorally impairment children include: An inability to build or maintain satisfactory interpersonal relationships with peers and teachers; Inappropriate types of behavior or feelings under normal circumstances; A general pervasive mood or depression; A tendency to develop physical symptoms or fears associated with personal or school problems. Nebraska Department of Education Rule 51: Regulations for School Age Special Education Programs; Title 92, Nebraska Administrative Code. CH 51; p. 5 (1981).	Level I - Resource Room (caseload)		30
		Level II - Special Education Classroom Nebraska Department of Education Rule 51: Regulations for School Age Special Education Programs; Title 92, Nebraska Administrative Code. CH 51; p. 20 (1981).		10

STATE | **HANDICAPPING CONDITION** | **STAFF TO STUDENT RATIO**

NEVADA

EDUCATIONALLY HANDICAPPED means an emotional handicap which is such that the child cannot be adequately or safely educated in regular classes without the assistance of special education services.

Emotionally handicapped is used here as a generic term covering all types of emotional and behavioral difficulties. Therefore, within the educational setting the child with an emotional handicap is one whose condition is determined through a comprehensive individual assessment. The term includes children who are schizophrenic or autistic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.

Standards for Administration of Special Education Programs, Nevada Department of Education; p. 21 (1985).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Special education program unit (caseload)		20
Instructional period (class size)		10

Standards for Administration of Special Education Programs, Nevada Department of Education; p. 22 (1985).

NEW HAMPSHIRE

SERIOUSLY EMOTIONALLY DISTURBED means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:

1 An inability to learn which cannot be explained by intellectual, sensory, or health factors;

2 An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

3 Inappropriate types of behavior or feelings under normal circumstances;

4 A general pervasive mood of unhappiness or depression; or

5 A tendency to develop physical symptoms or fears associated with personal or school problems.

6 The term includes students who are schizophrenic. The term does not include students who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.

New Hampshire State Board of Education, New Hampshire Standards for the Education of Handicapped Students; p. 6 (1981).

The class shall be organized either on a categorical basis or according to the degree of severity of the handicapping condition.

New Hampshire Board of Education - New Hampshire Standards for the Education of Handicapped Students; ED 1119.05 Class Size and Range; p. 49 (1981).

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
		Program Type	Class Size/Caseload Minimum	Maximum
NEW JERSEY	EMOTIONALLY DISTURBED means the exhibiting of seriously disordered behavior over an extended period of time which adversely affects educational performance and may be characterized by i or ii. below. An evaluation by a psychiatrist experienced in working with children is required. i. An inability to build or maintain satisfactory interpersonal relationships; ii. Behaviors inappropriate to the circumstances, such as, a general or pervasive mood of depression or the development of physical symptoms or irrational fears. New Jersey Administrative Code, Title 6 Education, Subtitle F Division of Special Education, CH 28 Special Education; p. 37 (1984).	Special class program		8
		New Jersey Administrative Code, Title 6 Education, Subtitle F Division of Special Education, CH 28 Special Education; p. 56 (1984).		
NEW MEXICO	BEHAVIORALLY DISORDERED Within the educational setting, the behaviorally disordered child is one whose behavior may be discordant in his relationship with others and whose academic achievement has been impaired due to an inability to learn utilizing the presented teaching techniques. The child's current behavior manifests either an extreme or a persistent failure to adapt and function intellectually, emotionally, and socially at a level commenusurate with his/her intellectual level and chronological age. New Mexico State Board of Education; Educational Standards for New Mexico Schools. Basic, Special Education, Vocational Programs, Section B - Special Education Program Standards; p. B-37 (1985).	Recommendations for program needs of an exceptional child is to be based on the severity of special educational need(s), rather than the handicapping condition. New Mexico State Board of Education; Educational Standards for New Mexico Schools. Basic, Special Education, Vocational Programs, Section B - Special Education Program Standards; (1985).		
NEW YORK	EMOTIONALLY DISTURBED - A pupil with an inability to learn which cannot be explained by intellectual, sensory or health factors and who exhibits one or more of the following characteristics over a long period of time and to a marked degree: (i) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; (ii) inappropriate types of behavior or feelings under normal circumstances; (iii) a generally pervasive mood of unhappiness or depression; or (iv) a tendency to develop physical symptoms or fears associated with personal or school problems. The term does not include socially maladjusted pupils unless it is determined that they are emotionally disturbed. Regulations of the Commissioner of Education, Subchapter P. Part 200 - Handicapped Children; 200.1 Definitions.; p. 4 (1984).	Special Class		
		Elementary		10
		Secondary		10
		Resource Room Program		20
		Regulations of the Commissioner of Education, Subchapter P. Part 200 - Handicapped Children; 200.1 Definitions.; pp. 52, 54 (1984).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
NORTH CAROLINA	**SERIOUSLY EMOTIONALLY HANDICAPPED** - A serious emotional handicap in children is defined as behavior that is developmentally inappropriate or inadequate in educational settings as indicated by one or more of the following characteristics: (A) an inability to learn that cannot be explained by intellectual, sensory, neurophysical or general health factors; (B) an inability to build or mintain safisfactory interpersonal relationships with peers or teachers; (C) inappropriate in immature types of behavior or feelings under normal conditions; (D) a general pervasive mood of unhappinesss or depression; (E) a tendency to develop physical symptoms, pains or fears associated with personal or school problems. The behavior must be of sufficient duration, frequency and intensity to call attention to the need for intervention on behalf of the child to insure his/her educational success. the term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally handicapped. Rules Governing Programs and Services for Children with Special Needs, Section .1501 Definitions; p. 2 (1980).	Regular Class		
		Supportive Services		20
		Resource		16
		Part-time Special Class	6	8
		Full-time Special Class/Self-contained		8
		Rules Governing Programs and Services for Children with Special Needs, Section .1501 Definitions; p. 2 (1980).		
NORTH DAKOTA	**EMOTIONALLY DISTURBED STUDENTS** - Aggressiveness, withdrawal, and fear may be appropriate emotional and behavioral responses to normal situations. When these behaviors or others are persistently inappropriate to the situation and pervasive in all areas of a student's life, he may need special help if he is to benefit in the learning environment. Special Education in North Dakota; Guide I - Laws, Policies and Regulations for Special Education for Exceptional Children; p. IV-12 (1982).	Separate Classroom (age range of three years)	3	10
		Caseload varies with need(s) of students.		
		Special Education in North Dakota; Guide I - Laws, Policies and Regulations for Special Education for Exceptional Children; p. IV-12 (1982).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
OHIO	"SEVERE BEHAVIOR HANDICAPPED" is defined as follows: (1) The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance: (a) An inability to learn which cannot be explained by intellectual, sensory, or health factors; (b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers; (c) Inappropriate types of behavior or feelings under normal circumstances; (d) A general pervasive mood of unhappiness or depression; or (e) A tendency to develop physical symptoms or fears associated with personal or school problems. (2) The term does not include children who are socially maladjusted, unless it is determined that they are severe behavior handicapped. Rules for the Education of the Handicapped Children, 3301-51-01 Definitions. AAA p. 11 (1982).	Special Class/Learning Center	6	12
		Rules for the Education of the Handicapped Children, 3301-51-04 Special Education Programs for Handicapped Children. p. 64 (1982).		
OKLAHOMA	SERIOUSLY EMOTIONALLY DISTURBED is defined as follows: (1) The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance: a. an inability to learn which cannot be explained by intellectual, sensory, or health factors; b. an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; c. inappropriate types of behavior or feelings under normal circumstances; d. a general pervasive mood of unhappiness or depression; or e. a tendency to develop physical symptoms or fears associated with personal or school problems. (2) The term includes children who are schizophrenic. the term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed. Policies and Procedures Manual for Special Education in Oklahoma, C. Category Definitions, State Regulations and Class Size; p. 8 (1982).	Self-contained	3	10
		Lab	3	25
		Policies and Procedures Manual for Special Education in Oklahoma, C. Category Definitions, State Regulations and Class Size; p. 36 (1982).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
OREGON	SERIOUSLY EMOTIONALLY DISTURBED means an emotional problem which affects a child's educational perfomance to the extent that the child cannot make satisfactory progress in the regular school program. The seriously emotionally disturbed child exhibits one or more of the following characteristics over an extended period of time and to a marked degree: (A) An inability to learn at a rate commensurate with the child's intellectual, sensory-motor and physical development; (B) An inability to establish or maintain satisfactory interpersonal relationships with peers, parents or teachers; (C) Inappropriate types of behavior or feelings under normal circumstances; (D) A variety of excessive behaviors ranging from hyperactive, impulsive responses to depression and withdrawal; or (E) A tendency to develop physical symptoms, pains or fears associated with personal, social or school problems. Oregon Administrative Rules, CH 581, Divsion 15 - Department of Education; p. 1 (1984).	The educational progam shall maintain pupil/teacher ratio at all instructional levels that are functional in view of the purposes of the student groupings. Pupil/teacher ratio shall be of such a nature that all enrolled pupils will have access to individualized instruction. Oregon Administrative Rules, CH 581, Division 15 - Department of Education; 581-15-215 Daily Class Size, p. 19 (1984).		
PENNSYLVANIA	SOCIALLY and EMOTIONALLY DISTURBED A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree: an inability to learn which cannot be explained by intellectual, sensory, health factors; an inability to build or maintain satisfactory interpersonal relationships with peers, and teachers; inappropriate types of behavior or feelings; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms, pains or fears associated with personal, social or school problems. A person shall be assigned to a program for socially and emotionally disturbed when the evaluation and Individualized Education Program indicate that such a program is appropriate, provided that the evaluation includes reports from board-certified or approved psychiatrist. No person shall be assigned to a program for socially and emotionally disturbed for disciplinary reasons alone. Socially and emotionally disturbed children shall be psychiatrically reevaluated every two years. Standards for Special Education, 22 PA. Code CH 341, Section 341.1 Definitions (b) 8 p. 4.	Itinerant		
		Elementary	15	50
		Secondary	15	50
		Resource Rooms		
		Elementary	15	20
		Secondary	15	20
		Part Time		
		Elementary	10	15
		Secondary	10	15
		Full Time		
		Elementary	6	12
		Secondary	8	12
		Standards for Special Education, 22 PA. Code CH 341, Section 341.35 Approval of Plans, Constant Enrollment by Organizational Patterns; p. 14.		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
RHODE ISLAND	THE BEHAVIORALLY DISORDERED: A child who exhibits a significant and observalbe disroder to a marked degree over an extended period of time (as determined by the evaluation process) in one or more of the following: Extreme difficulty in learning which cannot be explained by intellectual, sensory, neurophysiological, or general health factors; nor can it be attributed to ethnic or cultural differences; Consistent inability in establishing or maintaining satisfactory interpersonal relationships with peers and/or teachers; Constant and pronounced inappropriate or immature types of behavior or feelings under normal conditions; General pervasive mood of unhappiness or depression to a marked degree over a significant length of time; Psychosomatic complaints related to personal, social or school problems; The above definition should include but not be limited to disorders which are referred to as: autism, schizophrenia, neurosis, pyschosis, emotional handicap and emotional disturbance.	Self-contained, special classes Part-time or full-time for mildly and moderately handicapped children, with a teacher's aide.		8
		Severely, profoundly and multi-handicapped class With a full-time teacher's aide		6
		Without an aide		3
	Education for Handicapped Children, Regulations of the Board of Regents Governing the Special Education of Handicapped Children; p. 32 (amended 1980).	Education for Handicapped Children, Regulations of the Board of Regents Governing the Special Education of Handicapped Children; p. 32 (amended 1980).		

STATE — **HANDICAPPING CONDITION** — **STAFF TO STUDENT RATIO**

TENNESSEE

SERIOUSLY EMOTIONALLY DISTURBED

A child who exhibits more than one of the characteristics listed below over an extended period of time and to a marked degree, which adversely affects educational performance is considered seriously emotionally disturbed.

A child must exhibit more than one of the following:

I. Inability to learn which cannot be explained primarily by intellectual, sensory, health, or specific learning disability factors.

II. Inability to build or maintain satisfactory interpersonal relationhsips with peers, and teachers, and other significant persons.

III. Inappropriate types of behavior or feelings under normal circumstances.

IV. General pervasive mood of unhappiness or depression.

V. Tendency to develop physical symptoms or fears associated with personal or school problems.

VI. Significantly deviant behavior characterized by extreme opposition and aggressiveness to severe depression and withdrawal.

VII. Perceptions of reality which appear distorted or unrealistic and which are not culturally based.

Rules, Regulations and Minimum Standards for the Governance of Public Schools in the State of Tennessee, CH 0520-1-3; p. 89-90 (1982).

In grades kindergarten through 12, maximum membership of any class shall not exceed:

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Kindergarten		25
Grades 1 through 3		25
Grades 4		28
Grades 5 through 6		30
Grades 7 through 12		35

* This regulation should not be interpreted to prohibit ungraded classes, team teaching, individualized instruction, or other such programs designed to meet student needs, if the teacher's weekly pupil load is compatible with the above regulation.

Rules, Regulations and Minimum Standards for the Governance of Public Schools in the State of Tennessee, CH 0520-1-3; p. 45 (1982).

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
UTAH	**BEHAVIOR DISORDERED** A behavior disordered student is defined as one whose behavior or emotional conduct over time adversely affects his/her educational performance and required special education services. Behavior disordered is here used as a generic term covering many long or outstanding types of behavior difficulties which adversely affect educational performance, including the terms *behaviorally handicapped*, *severely emotionally disturbed*, and *emotionally handicapped*. The term does not include students who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed. Rules and Regulations for Education Programs for the Handicapped, Utah State Office of Education; p. 64 (1981).	Self-contained Special Class		12
		Resource Room		24
		Rules and Regulations for Education Programs for the Handicapped, Utah State Office of Education; p. 20 (1981).		
VERMONT	**EMOTIONALLY DISTURBED** The seriously emotionally disturbed child is one with problems that prevent his learning without special instruction or special services, and who meets the following: a. Consistently demonstrates academic achievement levels below age expectancy in one or more subject matter areas; b. A severity of disturbance not requiring hospitalization. Special Educational and Pupil Personnel Services: Policies and Regulations of the Program for the Education of Handicapped Pupils; p. 46 (1975).	In determining an appropriate size or caseload, consideration shall be given to the unique educational requirements of the pupils who comprise the class roster or caseload. Adjustments shall be made to account for the nature and severity of the pupil's unique needs. Special Education Rules From the Vermont State Board of Education Manual of Rules and Practices; 2365.1.2, P. 6 (1982).		
WEST VIRGINIA	**BEHAVIOR DISORDERS** Behavior disordered students manifest behaviors which have a deleterious effect on personal or educational development and/or the personal or educational development of others. Negative effects may vary considerably in terms of severity and prognosis. These behaviors may appear separately or in combination and may be exhibited in the form of acting out behaviors, withdrawing behaviors, defensive behaviors and/or disorganized behaviors. West Virginia Department of Education, Office of Special Education Administration. Regulations for the Education of Exceptional Students; p. 53 (1983).	Regular education with modification		12
		Regular education program with resource services		
		Resource program		12
		During any one instructional period		6
		Special Education Program: Self-Contained		
		Without a full-time aide		3
		With a full-time aide		6
		Self-contained program for Autistic students		
		With a full-time aide		4
		West Virginia Department of Education, Office of Special Education Administration. Regulations for the Education of Exceptional Students; p. 54 (1983).		

STATE

WISCONSIN

HANDICAPPING CONDITION

EMOTIONAL DISTURBANCE

Emotional disturbance is characterized by emotional, social and behavioral functioning that significantly interfers with the child's total educational program and development including the acquistion or production, or both, of appropriate academic skills, social interactions, interpersonal relationships or intrapersonal adjustment. The condition denotes intraindividual or a combination thereof, exhibited in the social systems of school, home and community and may be recognized by the child or significant others. The following behaviors, among others, may be indicative of emotional disturbance: (a) an inability to develop or maintain satisfactory interpersonal relationships; (b) inappropriate affective or behavioral response to what is considered a normal situational condition; (c) a general pervasive mood of unhappiness, depression or state of anxiety; (d) a tendency to develop physical symptoms, pains or fears associated with personal or school problems; (e) a profound disorder in communication or socially responsive behavior, e.g., autistic-like; (f) an inability to learn that cannot be explained by intellectual, sensory or health factors; (g) extreme withdrawal from social interaction or aggressiveness over an extended period of time; (h) inappropriate behaviors of such severity or chronicity that the child's functioning significantly varies from children of similar age, ability, educational experiences and opportunites, and adversely affects the child or others in regular or special education programs.

Rules Implementing Subchapter IV of CH 115, Wisconsin Statues, CH PI, PI 11.34 Eligibility criteria (2) HANDICAPPING CONDITION (h) p. 126 (1981).

STAFF TO STUDENT RATIO

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Self-contained Complete		
Early Education	4	7
Primary	4	7
Intermediate	4	7
Elementary Wide Range	4	7
Middle/Junior	4	8
Senior	4	9
Secondary Wide Range	4	9
Self-contained Modified		
Early Education	4	7
Primary	4	8
Intermediate	4	8
Elementary Wide Range	4	8
Middle/Junior	4	8
Senior	4	9
Secondary Wide Range	4	9
Self-contained integrated		
Early Education	5	10
Primary	5	10
Intermediate	5	12
Elementary Wide Range	5	10
Middle/Junior	5	12
Senior	5	12
Secondary Wide Range	5	11
Resource		
Primary	9	12
Intermediate	9	15
Elementary Wide Range	9	13
Middle/Junior	9	15
Senior	9	15
Secondary Wide Range	9	14

MINIMUMS AND MAXIMUMS MAY BE NEGOTIATED BY CONTACTING THE APPROPRIATE DHC SUPERVISOR IN ADVANCE OF PROGRAM IMPLEMENTATION AND WITH JUSTIFIABLE RATIONALE.

Wisconsin Division for Handicapped Children, Bulletin No. 83.1 Minimum/Maximum Enrollment Criteria for 1983-84.

6. SPECIFICALLY LEARNING DISABILITY

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
ALABAMA	"SPECIFIC LEARNING DISABILITIES" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; mental retardation; emotional disturbance; or environmental, cultural, or economic disadvantage. Those with "Specific Learning Disabilities" may demonstrate their handicap through a variety of symptoms such as hyperactivity, distractability, attention problems, memory disorders, concept association problems, etc. The end result of the effects of these symptoms is a severe discrepancy between ability and achievement in one or more of the following areas: a. Oral Expression b. Written Expression c. Listening Comprehension d. Basic Reading Skills e. Reading Comprehension f. Mathematical Calculation g. Mathematical Reasoning Policies and Procedures Manual: Program for Exceptional Children and Youth; Bulletin 1980; No. 31; pp. 104-107.	Resource Room		20
		Self-contained		10
		Policies and Procedures Manual: Program for Exceptional Children and Youth; Bulletin 1980; No. 31; pp. 113-114.		
ARKANSAS	"SPECIFIC LEARNING DISABILITIES" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; mental retardation; emotional disturbance; or environmental, cultural, or economic disadvantage. Program Standards and Eligibility Criteria for Special Education; p. 18-1; (1981).	Resource Room		30
		Special Class		
		Mild to Moderate		15
		Moderate to Severe		10
		Program Standards and Eligibility Criteria for Special Education; p. 4-1; (1981).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
ARIZONA	"LEARNING DISABLED" means a child with a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; mental retardation; emotional disturbance; or environmental, cultural, or economic disadvantage. Arizona Revised Statutes: Special Pamphlet; Title 15 Education; CH. 7, sec. 15-761; pp. 240-41; (1983).	... policy with regard to allowable pupil-teacher ratios and pupil-staff ratios within the district or county for provision of special education services. Arizona Revised Statutes: Special Pamphlet; Title 15 Education; CH. 7, sec. 15-764; p. 245; (1983).		
COLORADO	PERCEPTUAL OR COMMUNICATIVE DISORDER: A perceptual or communicative disorder is indicated when there is a significant discrepancy between estimated intellectual potential and actual level of performance and is related to basic disorders in the learning processes which are not secondary to limited intellectual capacity, visual or auditory sensory impairment, emotional disorders, and/or experiential information. One or more of the following measurable disorders are observed: (a) Significantly impaired ability in pre-reading and/or reading skills. (b) Significantly impaired ability in reading comprehension. (c) Significantly impaired ability in written language expression, such as problems in handwriting, spelling, sentence structure, and written organization. (d) Significantly impaired ability to comprehend, apply, and/or retain math concepts. 1 Colorado Code of Regulations 301-8; Administration of The Exceptional Children's Act; p. 4; (1983).	Self-contained		
		Preschool		8
		Elementary		15
		Secondary		15
		Resource		
		Preschool		15
		Elementary		15
		Secondary		15
		Itinerant Instruction		
		Preschool		30
		Elementary		30
		Secondary		30
		1 Colorado Code of Regulations 301-8; Administration of The Exceptional Children's Act; p. 14; (1983).		
CONNECTICUT	"IDENTIFIABLE LEARNING DISABILITY" means a child who demonstrates a severe discrepancy between educational performance and measured intellectual ability and who exhibits a disorder in one or more of the basic psychological processes as indicated by a diminished ability to listen, speak, read, write, spell or do mathematical calculation or reasoning. The term shall not include children who have learning problems which are primarily the result of visual, hearing or physical handicaps, or of mental retardation. Regulations Concerning Children Requiring Special Education: Section 10-76a to 10-761, Inclusive, of the General Statutes; p. 4; (1980).	The number and age range of children requiring special education and related services assigned to a class shall be such that the specifications of each child's individualized education program can be met. Regulations Concerning Children Requiring Special Education: Section 10-76a to 10-761, Inclusive, of The General Statutes; p. 14; (1980).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
DELAWARE	LEARNING DISABILITY	"learning disabilities" unit		8
	The child exhibits a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; mental retardation; emotional disturbance; or environmental, cultural, or economic disadvantage.	Administrative Manual for Programs for Exceptional Children; Unit of Pupils, AI-12; (Revised, 1983).		
	Administrative Manual for Programs for Exceptional Children; p. 22; (Revised, 1983).			
DISTRICT OF COLUMBIA	"SPECIFIC LEARNING DISABLED" means a student with average or above intelligence with a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. (1) This category includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia; and (2) This category does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; mental retardation; emotional disturbance; or environmental, cultural, or economic disadvantage.	Itinerant Instruction		
		Elementary		25
		Secondary		30
		Part-time		
		Elementary		15
		Secondary		15
		Self-contained		
		Elementary		10
		Secondary		10
		* With the assignment of an aide the caseload may be increased by no more than three students.		
	State Requirements and Program Standards for Special Education in the District of Columbia; District of Columbia Board of Education; p. 29 (1986).	State Requirements and Program Standards for Special Education in the District of Columbia; District of Columbia Board of Education; p. 30 (1986).		
FLORIDA	"SPECIFIC LEARNING DISABILITY" — one who exhibits a disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language. These may be manifested as disorders of listening, thinking, reading, talking, writing, spelling, or arithmetic. They do not include learning problems which are due primarily to visual, hearing or motor handicaps, to mental retardation, to emotional disturbance, or to an environmental deprivation.	No regulations for class size/caseload ratios in the State Board of Education Rules (1974).		
	A Resource Manual for the Development and Evaluation of Special Programs for Exceptional Students. Volume I-B: Florida Statutes and State Board of Education Rules: Excerpts for Programs for Exceptional Students; 6A-6.3018; p. 52; (1982).	A Resource Manual for the Development and Evaluation of Special Programs for Exceptional Students. Volume I-B: Florida Statutes and State Board of Education Rules: Excerpts for Programs for Exceptional Students; 6A-6.3016; (1982).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
GEORGIA	"SPECIFIC LEARNING DISABILITY" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; mental retardation; emotional disturbance; or environmental, cultural, or economic disadvantage. Georgia Department of Education Regulations and Procedures. VI. Program Areas; IDDFd3-21; (1984).	Self-contained		10
		Resource Room		24
		Itinerant Instruction		20
		Georgia Department of Education Regulations and Procedures. VI. Program Areas; IDDFd3-25/2; (1984).		
IDAHO	SPECIFIC LEARNING DISABILITIES. Disorders in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia, but does not include learning problems which are primarily the result of visual, hearing, or motor handicaps; of mental retardation; of emotional disturbance; or of environmental, cultural, or economic disadvantage. Idaho State Board of Education Rules and Regulations Pertaining to Special Education under PL 94-142; 1.17; p. 4; (1983).	Non-categorical service delivery system. Idaho State Board of Education Rules and Regulations Pertaining to Special Education under PL 94-142; 1.17; pp. 46-47, 52, 54 (1983).		
ILLINOIS	SPECIFIC LEARNING DISABILITY The child exhibits a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculation. Such term includes conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage. Rules and Regulations to Govern the Administration and Operation of Special Education, Article IX Identification, Evaluation, and Placement of Exceptional Children 9.16, 5. p. 40 (1979).	Instructional Program		10
		Rules and Regulations to Govern the Administration and Operation of Special Education, Article IV Special Education Instructional and Resource Program, 4.04, 4 p. 15 (1979).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
INDIANA	LEARNING DISABLED CHILDREN The term learning disabilities shall mean a child who exhibits severe specific defects in perceptual, integrative or expressive processes which severely impair learning efficiency. Learning Disabilities include conditions which have been referred to as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia and may be manifested in disorders listening, thinking, talking, reading, writing, spelling, or arithmetic. They do not include learning problems which are due primarily to visual, hearing, or motor handicaps, to mental retardation, emotional disturbance, or to environmental disadvantages. Children enrolled in programs for learning disabled shall be those who are chronic failures in the regular classroom setting and are seriously deficient in educational skills. Rules, Regulations and Policies Adopted and Promulgated by the Commission on General Education of the Indiana State Board of Education. State of Indiana Rule S-1, Section 4 Special Education Programs for Handicapped Children B. 1. Definition G. p. 33 (1978).	Class sizes and caseloads shall be limited in number to allow the teacher to meet the individual needs of each child enrolled as specified in the child's individualized education program. The class size and caseload shall be determined by: (a) The severity of the handicapping conditions of the children to be enrolled; (b) The types and intensity of instruction needed; (c) The children's ages; (d) The availability of paraprofessionals; and (e) The related services to be provided outside the classroom by other personnel. Caseload shall also be determined, in case of the instructional resource service, by the number of schools and distance between schools served. In addition, if the teacher is not assigned to a full-time special education position, the caseload shall be adjusted. Rules, Regulations and Policies Adopted and Promulgated by the Commission on General Education of the Indiana State Board of Education. State of Indiana Rule S-1, Section 4 Special Education Programs for Handicapped Children B. 4. Placement c. Special Classes for the Learning Disabled. p. 34 (1978).		
IOWA	"LEARNING DISABILITY" is the inclusive term denoting the inability to learn efficiently, in keeping with one's potential, when presented with the instructional approaches of the general education curriculum. The inability to learn efficiently is manifested as a disability in an individual's reception, organization, or expression of information relevant to school function. This disability is demonstrated as a severe discrepancy between an individual's general intellectual functioning and achievement in one or more of the following areas: school readiness skills, basic reading skills, reading comprehension, mathematical calculation, mathematical reasoning, written expression and listening comprehension. A learning disability is not primarily the result of sensory or physical impairments, mental disabilities, behavioral disorders, cultural difference, environmental disadvantage, or a history of an inconsistent educational program. Public Instruction [670]; Special Education and Guidance; CH 12: Special Education; Division I - Scope, General Principles and Definitions. 670--12.3(281) Definitions; p. 3-4 (1985).	Resource Teaching Program		18
		Special Class w/integration		
		Elementary		12
		Secondary		15
		Self-contained Special Class w/Little Integration		
		Preschool		8
		Elementary		8
		Secondary		10
		Self-contained Special Class		
		Severely Handicapped		5
		Public Instruction [670]; Special Education and Guidance; CH 12: Special Education; Division I - Scope, General Principles and Definitions. 670—12.3(281) Definitions; p. 9 (1985).		

STATE | **HANDICAPPING CONDITION** | **STAFF TO STUDENT RATIO**

KENTUCKY

SPECIFIC LEARNING DISABILITY

(a) The child does not achieve commensurate with his or her age and ability levels when provided with learning experiences appropriate for the child's age and ability levels; (in one or more of the seven (7) areas listed below);

1. Oral expression;
2. Listening comprehension;
3. Written expression;
4. Basic reading skills;
5. Reading comprehension;
6. Mathematics calculation; and/or
7. Mathematics reasoning.

(b) The child has a severe discrepancy between achievement and intellectual ability in one or more of the seven (7) areas listed above.

(c) The severe discrepancy between ability and achievement is not a result of:

1. A visual, hearing or motor handicap;
2. Mental retardation;
3. Emotional disturbance; or
4. Environmental, cultural or economic disadvantage.

Kentucky Administrative Regulations - Related to Exceptional Children, KAR7071:056; p. 43 (1981).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Resource Plan		
Primary through Intermediate	8	15
Junior through Senior High	8	20
Special Class Plan		
Primary through Intermediate	6	10
Junior through Senior High	6	15

No more than eight pupils, all within a four year age span, may be in a resource room during any one instructional period.

Kentucky Administrative Regulations - Related to Exceptional Children, KAR7071:056; p. 46; (1981).

LOUISIANA

LEARNING DISABLED is a severe and unique learning problems as a result of significant difficulties in the acquisition, organization, or expression of specific academic skills or concepts. These learning problems are typically manifested in school functioning as significantly poor performance in such areas as reading, writing, spelling, arithmetic reasoning or calculation, oral expression or comprehension, or the acquisition of basic concepts.

The term includes such conditions as attentional deficit, perceptual handicaps or process disorders, minimal brain dysfunction, dyslexia, developmental aphasia, or sensorimotor dysfunction, when consistent with these criteria.

The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicap; of mental retardation; of a behavior disorder; or of environmental, cultural, educational, or economic disadvantage.

Louisiana's Law for Exceptional Students. Bulletin 1706; Regulations for Implementation of The Exceptional Children's Act (RS 17:1941 et seq); p. 106 (1983).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Self-contained Classroom		
Elementary	7	13
Secondary	8	15

Louisiana's Law for Exceptional Students. Bulletin 1706; Regulations for Implementation of The Exceptional Children's Act (RS 17:1941 et seq); p. 121 (1983).

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
MAINE	Specific Learning Functions - The child exhibits a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. (Formerly "Cerebral or Perceptual Functions") Maine's Special Education Regulations: Statute #3123 - Definitions; p. 15.	Self-contained		
		Primary (ages 5-9)		8
		Intermediate (ages 10-14)		10
		Advanced (ages 15-20)		10
		Resource Room		
		Primary		12
		Intermediate		15
		Advanced		15
		... represents the number of additional students who can be included in a self-contained program during the time that a teacher aide, teacher assistant or teacher associate works in the same room. ... a resource program or services shall not exceed a total of 35 to 1, with no more than thirteen (13) to one (1) with an aide or eight (8) to one (1) being served at any one time without an aide. Maine's Special Education Regulations: Statute #3123 - Definitions; pp. 33-34.		
MARYLAND	"SPECIFIC LEARNING DISABILITY" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. This term does not include learning problems which are primarily the result of visual, hearing, or motor handicaps; of mental retardation; of emotional disturbance; or of environmental, cultural, or economic disadvantage. Maryland State Board of Education, Title 13A; Subtitle 05; Special Educational Programs, Chapter 01 programs for Handicapped Children; 02(1) Definitions; p. 3; (1980).	Service delivery by levels (levels I, II, III, IV, and V). Maryland State Board of Education, Title 13A; Subtitle 05; Special Educational Programs, Chapter 01 programs for Handicapped Children; 02(1) Definitions; pp. 17-19 (1980).		
MICHIGAN	"SPECIFIC LEARNING DISABILITY" means a disorder in 1 or more of the basic pyschological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; of mental retardation, of emotional disturbance, of autism, or of environmental, cultural, or economic disadvantage. Michigan Special Education Rules; Part I. General Provisions. R340.1713; Specific Learning Disability defined; determination. Rule 13 p. 6 (1983).	Classroom		10
		...the teacher shall not have responsibility for educational programming for not more than 15 different students except as permitted under subrule (2).... Michigan Special Education Rules; Part III. Administration of Programs and Services. R340.1747; Specific Learning Disabilities Programs; effective dates. Rule 47 p. 22 (1983).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
MINNESOTA	SPECIFIC LEARNING DISABILITY. The handicapping condition of specific learning disabilities denote severe learning problems due to one or more deficits in the essential learning processes which significantly interferes with the ability to acquire, organize or express information. These problems are manifested in school functioning by reading, writing, spelling, or mathematical disabilities. Even though a specific learning disability may occur with other sensory/motor/behavioral handicaps or environmental influences (e.g., cultural, economic, limited English proficiency, insufficient/inappropriate instruction) the specific learning disability is not the direct result of these handicaps or influences.	The following table sets forth by levels of service the maximum number of school-age pupils that may be assigned to a teacher. "Caseload" means the number of pupils taught.		
		Level 2 - All other disabilities		30
		Level 3 - All other disabilities		18
		Level 4 - Mildly mentally handicapped or specific learning disabled		12
		With one aide		15
		Level 5 and 6 -All other disabilities With one aide		8
	Draft Guideline Entrance Criteria for Specific Learning Disabilities; Division of Instruction/Special Education Section, p. 60 (1983).	Revised Special Education Rules, CH 7; 3525.2340 SCHOOL-AGE LEVELS OF SERVICE. Subpart 3. Case loads for school-age levels of service. p. 19 (1984).		
MISSISSIPPI	SPECIFIC LEARNING DISABILITIES A child with a specific learning disability is one who has a disorder in one or more of the basic physcological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; of mental retardation; of emotional disturbance; or of environmental, cultural, or economic disadvantage.	... no label should predetermine the services needed. The needs of the child as determined by the IEP process should be the basis for program placement for all children.		
	Regulations for the Operation of the Mississippi Program for Exceptional Children; Program Placement Options to be Considered; p. 67 (1983).	Regulations for the Operation of the Mississippi Program for Exceptional Children; Program Placement Options to be Considered; p. 27 (1983).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
MISSOURI	SPECIFIC LEARNING DISABILITIES A disorder in one (1) or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; of mental retardation; of emotional disturbance; or of environmental, cultural, or economic disadvantage. Missouri State Plan for Special Education, FY 84-86, Resource Guide for Special Education, Volume I-B: Identification and Initial Programming, p. A-12 (1983).	Itinerant Instruction		
		Elementary		10
		Secondary		20
		Resource		
		Elementary		10
		Secondary		20
		Self-contained		
		Elementary		6
		Secondary		10
		Missouri State Plan for Special Education, FY 84-86, Resource Guide for Special Education, Volume I-B: Identification and Initial Programming; p. A-22 (1983).		
MONTANA	"SPECIFIC LEARNING DISABILITY" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes but is not limited to such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; of mental retardation; of emotional disturbance; or of environmental, cultural, or economic disadvantage. Montana Laws and Rules - Special Education Reference Manual p. 4 (1983).	No information found in the Manual. Montana Laws and Rules - Special Education Reference Manual; (1983).		
NEBRASKA	SPECIFIC LEARNING DISABILITY (SLD) children shall mean children of school age who have a verified disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; of mental retardation; of emotional disturbance; or of environmental, cultural, or economic disadvantage. Nebraska Department of Education Rule 51: Regulations for School Age Special Education Programs; Title 92, Nebraska Administrative Code. CH 51; p. 5 (1981).	Level I		30
		Nebraska Department of Education Rule 51: Regulations for School Age Special Education Programs; Title 92, Nebraska Administrative Code. CH 51; p. 20 (1981).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
NEVADA	LEARNING DISABILITIES means one or more significant deficits in the essential learning processes of perception; conceptualization; language -- written or spoken; memory; and control of attention; impulse or motor function. These deficits may be demonstrated verbally or non-verbally. A discrepancy between expected ad actual academic achievement is observable. These problems are not primarily the result of visual, hearing, or physical handicaps; of mental retardation; of emotional disturbance; or of environmental, cultural, or economic disadvantage. Standards for Administration of Special Education Programs Nevada Department of Education, p. 23 (1985).	Caseload unit		28
		Class size per Instructional period		12
		Preschool-Students per 1/2 day program		8
		Standards for Administration of Special Education Programs Nevada Department of Education, p. 25 (1985).		
NEW HAMPSHIRE	"SPECIFIC LEARNING DISABILITY" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; of mental retardation; of emotional disturbance; or of environmental, cultural, or economic disadvantage. New Hampshire State Board of Education. New Hampshire Standards for the Education of Handicapped Students; p. 7; (1981).	The class shall be organized either on a categorical basis or according to the degree of severity of the handicapping condition. New Hampshire Board of Education - New Hampshire Standards for the Education of Handicapped Students; ED 1119.05 Class Size and Range; p. 49 (1981).		
NEW JERSEY	"NEUROLOGICALLY OR PERCEPTUALLY IMPAIRED" means impairment in the ability to process information due to physiological, organizational or integrational dysfunction which is not the result of any other educationally handicapping condition or to environmental, cultural or economic disadvantage and is characterized by (i) or (ii) below. (i) Neurologically impaired means a specific impairment of dysfunction of the nervous system which adversely affects the education of a pupil. An evaluation by a physician qualified in the field of neurology is required. (b) Perceptually impaired means a specific learning disability manifested in a disorder in understanding and learning, which affects the ability to listen, think, speak, read, write, spell and/or compute to the extent that special education is necessary for achievement in an educational program. New Jersey Administrative Code, Title 6 Education, Subtitle F Division of Special Education, CH 28 Special Education; pp. 39-40 (1984).	Special Class Program Neurologically Impaired		8
		Perceptually Impaired		12
		New Jersey Administrative Code; Title 6 Education, Subtitle F Division of Special Education, CH 28 Special Education; p. 56 (1984).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
NEW MEXICO	LEARNING DISABLED A learning disabled child is one within the average or superior range of intelligence who exhibits one or more significant disorders in the essential learning processes which are manifested by reading, writing, spelling, or mathematical disabilities. These disorders are presumed to be due to central nervous system dysfunction. Even though a learning disability may occur with other exceptionalities or environmental influences (e.g., cultural differences, insufficient/inappropriate instruction), the learning disability is not the direct result of those exceptionalities or influences. New Mexico State Board of Education; Educational Standards for New Mexico Schools. Basic, Special Education, Vocational Programs, Section B - Special Education Program Standards; p. B-51 (1985).	Recommendations for program needs of an exceptional child is to be based on the severity of special educational need(s), rather than the handicapping condition. New Mexico State Board of Education; Educational Standards for New Mexico Schools. Basic, Special Education, Vocational Programs, Section B - Special Education Program Standards; pp. 2-4 (1985).		
NEW YORK	LEARNING DISABLED A pupil with a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, neurological impairment, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; of mental retardation; of emotional disturbance; or of environmental, cultural, or economic disadvantage. A child who exhibits a discrepancy of 50 percent or more between expected achievement and actual achievement determined on an individual basis shall be deemed to have a learning disability. Regulations of the Commissioner of Education, Subchapter P. Part 200 - Handicapped Children; 200.1 Definitions.; p. 4 (1984).	Special Class Elementary Secondary Resource Room Program Regulations of the Commissioner of Education, Subchapter P. Part 200 - Handicapped Children; 200.1 Definitions.; pp. 53-54 (1984).		 10 12 20
NORTH CAROLINA	SPECIFIC LEARNING DISABILITIES A pupil who has a specific learning disabilities is one who has a severe discrepancy between ability and achievement and has been determined by a multidisciplinary team not to be achieving commensurate with his/her age and ability levels in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skill, spelling, reading comprehension, mathematical calculation or mathematical reasoning. The term does not include pupils whose severe discrepancy between ability and achievement is primarily the result of: a visual, hearing, or motor handicap; mental retardation; emotional disturbance; or environmental, or economic disadvantage. Rules Governing Programs and Services for Children with Special Needs, Section .1501 Definitions; p. 3 (1980).	Regular Class With supportive services (per week) Special Class Part Time Full Time Self-contained Rules Governing Programs and Services for Children with Special Needs, Section .1501 Definitions; pp. 39-40 (1980).		 35 8 12

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
NORTH DAKOTA	"Children are said to have special LEARNING DISABILITIES when they have a disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language, and which may be manifested in imperfect function in listening, writing, spelling, or doing mathematical calculations. Such disorders include conditions described as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia, but do not include those with learning problems primarily the result of visual, hearing or motor handicaps, of mental retardation or emotional disturbance or of environmental disadvantage.	Caseload (per week)	6	20
	Special Education in North Dakota; Guide I - Laws, Policies and Regulations for Special Education for Exceptional Children; p. IV-6 (1982).	Special Education in North Dakota; Guide I - Laws, Policies and Regulations for Special Education for Exceptional Children; p. IV-9 (1982).		
OHIO	"SPECIFIC LEARNING DISABILITY" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; of mental retardation; of emotional disturbance; or of environmental, cultural, or economic disadvantage.	Special Class		
		Elementary	8	16
		Middle/Junior High School	8	16
		Senior High School	12	24
		...No more than 12 children shall be served during any one instructional period.		
	Rules for the Education of the Handicapped Children, 3301-51-01 Definitions. FFF p. 12 (1982).	Rules for the Education of Handicapped Children, 3301-51-04 Special Education Programs for Handicapped Children. G. Program for Specific Learning Disabled Children 3. p. 72 (1982).		
OKLAHOMA	"SPECIFIC LEARNING DISABILITY" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; of mental retardation; of emotional disturbance; or of environmental, cultural, or economic disadvantage.	Self-contained	3	10
		Laboratory	3	25
		Itinerant Instruction		25
		Resource Room		25
	Policies and Procedures Manual for Special Education in Oklahoma; Special Education Section, Oklahoma State Department of Education; p. 8; (1982).	Policies and Procedures Manual for Special Education in Oklahoma; Special Education Section, Oklahoma State Department of Education; pp. 9, 36; (1982).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
		Program Type	Class Size/Caseload Minimum	Maximum
OREGON	"SPECIFIC LEARNING DISABILITY" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Children with a specific learning disability are unable to profit from regular classroom methods and materials without special educational help, and are, or will become, extreme underachievers. These deficits may be exhibited in mild to severe difficulties with perception (the ability to attach meaning to sensory stimuli), conceptualization, language, memory, motor skills, or control of attention. Specific learning disability includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; of mental retardation; of emotional disturbance; or of environmental, cultural, or economic disadvantage. Oregon Administrative Rules, CH. 581, Division 15; Department of Education; pp. 1-2; (1984).	The education program shall maintain pupil/teacher ratio at all unstructured levels that are functional in view of the purposes of the student groupings. Pupil/teacher ratio shall be of such a nature that all enrolled pupils will have access to individualized instruction. Oregon Administration Rules, CH 581, Division 15 - Department of Education; p. 19 (1984).		
PENNSYLVANIA	LEARNING DISABILITY A deficiency in the acquisition of basic learning skills, including but not limited to, the ability to reason, think, write, spell, or to do mathematical calculations, as identified by an educational and pyschological evaluation. Persons who have learning disorders which are primarily the result of visual, hearing, or other handicaps or mental retardation or emotional factors or of environmental disadvantage are not learning disabled. The term learning disability does not exclude the possibility that a learning disabled person may also exhibit such conditions as brain damage or minimal brain disfunction. Standards for Special Education, 22 PA. Code CH 341, Section 341.1 Definitions (b) 3 p. 1 (1977).	Itinerant		
		Elementary	15	50
		Secondary	15	50
		Resource Rooms		
		Elementary	15	20
		Secondary	15	20
		Part Time		
		Elementary	10	15
		Secondary	10	15
		Full Time		
		Elementary	6	12
		Secondary	8	12
		Standards for Special Education, 22PA. Code CH 341, Section 341.35 Approval of Plans, Constant Enrollment by Organizational Patterns; p. 14.		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
RHODE ISLAND	THE LEARNING DISABLED: A child who has a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term learning disability includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; of mental retardation; of emotional disturbance; or of environmental, cultural, or economic disadvantage. Regulations of the Board of Regents Governing the Special Education of Handicapped Children in Rhode Island; p. 3; (1980).	PRESCHOOL PROGRAMS		
		Self-contained		
		Without teacher's aide		8
		With teacher's aide		10
		SCHOOL PROGRAMS		
		Self-contained		
		Without teacher's aide		8
		With teacher's aide		10
		Education for Handicapped Children, Regulations of the Board of Regents Governing the Special Education of Handicapped Children; p. 32 (amended 1980).		
TENNESSEE	SPECIFIC LEARNING DISABILITY - A child who has a disorder in one or more of the basic learning processes which may manifest itself in significant difficulties in the acquisition and use of listening, speaking, reading, writing, spelling or performing mathematical calculations is considered to have a specific learning disability. State of Tennessee Rules, Regulations and Minimum Standards for the Governance of Public Schools in the State of Tennessee; p. 87; (1982).	In grades kindergarten through 12, maximum membership of any class shall not exceed: (i) Kindergarten - 25 pupils (ii) Grades 1 through 3 - 25 pupils (iii) Grade 4 - 28 pupils (iv) Grades 5 through 6 - 30 pupils (v) Grades 7 through 12 - 35 pupils This regulation should not be interpreted to prohibit ungraded classes, team teaching, individualized instruction, or other such programs designed to meet student needs, if the teacher's weekly pupil load is compatible with the above regulation. Rules, Regulations and Minimum Standards for the Governance of Public Schools in the State of Tennessee, CH 0520-1-3; p. 45 (1982).		
UTAH	"SPECIFIC LEARNING DISABILITY" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term learning disability includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; of mental retardation; of emotional disturbance; or of environmental, cultural, or economic disadvantage. Rules and Regulations for Education Programs for the Handicapped; Utah State of Education; p. 40 (1980).	Self-contained Special Class		15
		Resource		24
		Rules and Regulations for Education Programs for the Handicapped; Utah State of Education; p. 20 (1980).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
VERMONT	The term "LEARNING DISABILITY" under this program, refers to a special learning disability, a disorder in one or more of the processes of perception, integration, and expression, in either verbal or non-verbal language, and which needs special educational techniques for its remediation. Certain children have "SPECIAL LEARNING DISABILITIES" which result from minimal brain injury or damage, a developmental lag of cerebral nervous system, or many other unknown causes. Meeting their special educational needs may require a variety of educational techniques which might include the self-contained classroom, the resource room, the clinical teachers assigned to a child, or residential treatment. Special Educational and Pupil Personnel Services, Vermont; pp. 42, 49; (1975).	In determining an appropriate size or caseload, consideration shall be given to the unique educational requirements of the pupils who comprise the class roster or caseload. Adjustments shall be made to account for the nature and severity of the pupil's unique needs. Special Education Rules From the Vermont State Board of Education Manual of Rules and Practices; 2365.1.2, P. 6 (1982).		
WEST VIRGINIA	SPECIFIC LEARNING DISABILITY students have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; of mental retardation; of emotional disturbance; or of environmental, cultural, or economic disadvantage. West Virginia Department of Education; Office of Special Education; Administration Regulations for the Education of Exceptional Students; p. 79; (1983).	Regular Education		
		With modification		20
		With resource service		20
		Self-contained		
		Without full-time aide		8
		With full-time aide		12
		West Virginia Department of Education, Office of Special Education Administration. Regulations for the Education of Exceptional Students; p. 80 (1983).		
WISCONSIN	LEARNING DISABILITIES The handicapping condition of learning disabilities denotes severe and unique learning problems due to a disorder existing within the child which significantly interferes with the ability to acquire, organize or express information. The problems are manifested in school functioning in an impaired ability to read, write, spell or arithmetically reason or calculate. Rules Implementing Subchapter IV of CH 115, Wisconsin Statues, CH PI, PI 11.34 Eligibility (2) HANDICAPPING CONDITION (g) p. 124 (1981).	Self-contained Complete		
		Early Education	4	7
		Primary	4	7
		Intermediate	4	7
		Elementary Wide Range	4	6
		Middle/Junior	4	7
		Self-contained Modified		
		Early Education	6	9
		Primary	6	9
		Intermediate	6	9
		Elementary Wide Range	6	8
		Middle/Junior	6	9
		Senior	6	9
		Secondary Wide Range	6	8
		Wisconsin Division for Handicapped Children, Bulletin No. 83.1 Minimum/Maximum Enrollment Criteria for 1983-84.		

STATE **HANDICAPPING CONDITION** **STAFF TO STUDENT RATIO**

WISCONSIN
cont´d

LEARNING DISABILITIES

The handicapping condition of learning disabilities denotes severe and unique learning problems due to a disorder existing within the child which significantly interferes with the ability to acquire, organize or express information. The problems are manifested in school functioning in an impaired ability to read, write, spell or arithmetically reason or calculate.

Rules Implementing Subchapter IV of CH 115, Wisconsin Statues, CH PI, PI 11.34 Eligibility (2) HANDICAPPING CONDITION (g) p. 124 (1981).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Self-contained Integrated		
Early Education	8	13
Primary	8	13
Intermediate	8	13
Elementary Wide Range	8	12
Middle/Junior	8	13
Senior	8	13
Secondary Wide Range	8	12
Resource		
Early Education	12	17
Primary	12	17
Intermediate	12	17
Elementary Wide Range	12	16
Middle/Junior	12	20
Senior	12	20
Secondary Wide Range	12	17
Itinerant		
Primary	9	15
Intermediate	9	15
Elementary Wide Range	9	15
Middle/Junior	9	15
Senior	9	15
Secondary Wide Range	9	15

MINIMUMS AND MAXIMUMS MAY BE NEGOTIATED BY CONTACTING THE APPROPRIATE DHC SUPERVISOR IN ADVANCE OF PROGRAM IMPLEMENTATION AND WITH JUSTIFIABLE RATIONALE.

Wisconsin Division for Handicapped Children, Bulletin No. 83.1 Minimum/Maximum Enrollment Criteria for 1983-84.

7. SPEECH IMPAIRED

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
ALABAMA	"SPEECH (AND LANGUAGE) IMPAIRED" refers to a communication disorder (e.g., stuttering/fluency disorder, articulation disorder language, voice disorder, or any combination thereof), which directly or indirectly affects a child's cognitive, social, emotional and/or educational development or performance. Policies and Procedures Manual: Program for Exceptional Children and Youth; Bulletin 1980; No. 31; p. 115.	NORMAL CASELOAD		
		Speech Problems		
		Severe	15	20
		Mild/Moderate	45	60
		COMBINED LOAD		
		Speech Problems		
		Severe		1
		Mild/Moderate		3
		Policies and Procedures Manual: Program for Exceptional Children and Youth; Bulletin 1980; No. 31; p. 116.		
ARKANSAS	"SPEECH IMPAIRED" means a communication disorder such as deviant articulation, fluency, voice, and/or comprehension and/or expression of language, spoken or written, which impedes the student's acquisition of basic cognitive and affective performance skills as established by the Arkansas Department of Education in Basic Educational Skills. Program Standards and Eligibility Criteria for Special Education; p. 20-1 (1981).	Itinerant Instruction		50
		Program Standards and Eligibility Criteria for Special Education; p. 4-1 (1981).		
ARIZONA	"SPEECH HANDICAPPED" means a child who has a communication disorder such as stuttering, impaired articulation, severe disorders of syntax, semantics or vocabulary or a voice impairment, as determined by evaluation pursuant to Statute #15-766, to the extent that is calls attention to itself, interferes with communication or causes the child to be maladjusted. Arizona Revised Statutes: Annotated 1983 Special Pamphlet; Title 15 Education; CH. 7; Sec. 15-761; p. 241.	... policy with regard to allowable pupil-teacher ratios and pupil-staff ratios within the district or county for provision of special education services. Arizona Revised Statutes: Annotated 1983 Special Pamphlet; Title 15 Education; CH. 7; Sec. 15-764; p. 245.		
COLORADO	SPEECH HANDICAP: A speech deficiency which interferes with communication, or causes undesirable or inappropriate behavior. Such problems may be classified under the headings of articulation, fluency, voice disorders, or retarded speech/language development as indicated by one or more of the following: (a) Substitutions, omissions, additions, and distortions of sounds. (b) Cluttering or stuttering. (c) Physical anomalies, such as cleft palate, causing nasality, or grain injury or disease causing dysphasia. (d) Problems in auditory perception, such as discrimination and memory. (e) Receptive and expressive language difficulties affecting syntax and vocabulary. (f) Significant deviation in normal phonation, intensity, and pitch. 1 Colorado Code of Regulations 301-8; Administration of The Exceptional Children's Act; p. 4 (1983).	Resource Room		
		Preschool		50
		Elementary		50
		Secondary		50
		Itinerant Instruction		
		Preschool		50
		Elementary		50
		Secondary		50
		1 Colorado Code of Regulations 301-8; Administration of The Exceptional Children's Act; p. 14 (1983).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
CONNECTICUT	"SPEECH AND/OR LANGUAGE IMPAIRED" means a child with a communication disorder which adversely affects the child's educational performance. Impaired speech is characterized by fluency or voice or articulation impairment. Impaired language is characterized by difficulties in processing language at the level of phonology, morphology, syntax and semantics both in encoding and decoding tasks, which difficulties affect the spoken, read and/or written forms of language. Regulations Concerning Children Requiring Special Education: Section 10-76a to 10-761, Inclusive, of The General Statutes; p. 6 (1980).	The number and age range of children requiring special education and related services assigned to a class shall be such that the specifications of each child's individualized education program can be met. Regulations Concerning Children Requiring Special Education: Section 10-76a to 10-761, Inclusive, of The General Statutes; p. 6, 14 (1980).		
DELAWARE	SPEECH AND/OR LANGUAGE IMPAIRMENT The child exhibits a disorder of oral communication exhibited in articulation, voice, rhythm, or verbal language to such a degree that it interferes with self-expression, ability to comprehend the child's speech, or causes the child to become maladjusted. (Speech and Language Therapist) Administrative Manual for Programs for Exceptional Children; p. 22 (revised 1983).	No units designated in the Administration Manual for Programs for Exceptional Children. Administrative Manual for Programs for Exceptional Children; (revised 1983).		
DISTRICT OF COLUMBIA	SPEECH IMPAIRED: A student is considered speech or language impaired when his/her basic communication system, whether verbal, vocal, or gestural, evidences disorder deviation or developmental delay, in language, articulation, fluency or voice quality which adversely affects the student's educational performance, social adjustment or communication ability. State Requirements and Program Standards for Special Education in the District of Columbia; District of Columbia Board of Education; p. 31 (1986).	Itinerant		
		Elementary (caseload)		60
		Secondary (caseload)		70
		Part-Time		
		Elementary		12
		Secondary		15
		Self-contained		
		Elementary		8
		Secondary		8
		State Requirements and Program Standards for Special Education in the District of Columbia; District of Columbia Board of Education; p. 31 (1986).		
FLORIDA	SPEECH AND LANGUAGE IMPAIRED - One whose basic communication system, whether verbal, gestural or vocal, evidence disorder, deviations or general development needs in language, speech, fluency or voice quality, which hinder ones academic learning, social adjustment, self help skills or communication skills. A Resource Manual for the Development and Evaluation of Special Programs for Exceptional Students. Volume I-B: Florida Statutes and State Board of Education Rules: Excerpts for Programs for Exceptional Students; 6A-6.3016; p. 48 (1982).	No regulation for class size/caseload ratios in State Board of Education Rules (1974). A Resource Manual for the Development and Evaluation of Special Programs for Exceptional Students. Volume I-B: Florida Statutes and State Board of Education Rules: Excerpts for Programs for Exceptional Students; 6A-6.3016 (1982).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
GEORGIA	A SPEECH-LANGUAGE DISORDER is one in which a communication skill differs so far in manner or content from that of peers that it calls attention to itself; disrupts communication; or affects emotional, social, intellectual or educational growth. However, overall functioning (i.e., physical, intellectual, emotional, etc.) must be considered when determining the presence of a communication disorder and the need for direct and/or indirect speech-language services. Speech-language disorder refers to impairments in the areas of language, articulation, voice and fluency. Georgia Department of Education Regulations and Procedures. VI: Program Areas; p. IDDFd3-25/3 (1984).	SPEECH-LANGUAGE DISORDER		
		Mild		60
		Moderate		40
		Severe		20
		Georgia Department of Education Regulations and Procedures. VI: Program Areas; p. IDDFd25/5-6 (1984).		
IDAHO	SPEECH IMPAIRED: Involving stuttering, impaired articulation, or a voice impairment which adversely affects a child's educational performance; LANGUAGE IMPAIRED: Expressive and/or receptive language skills, either oral and/or graphic, which deviate from the accepted norms in terms of grammatical, morphological and semantic performance and which adversely affect a child's educational performance. Idaho State Board of Education Rules and Regulations Pertaining to Special Education and Federal Regulations Under PL 94-142; Alphabetical Definition of Terms; 1.9; p. 1 (1983).	Communications Disorders Specialist		
		Without Aide		6
		Idaho State Board of Education Rules and Regulations Pertaining to Special Education and Federal Regulations Under PL 94-142; Alphabetical Definition of Terms; 1.9; p. 54 (1983).		
ILLINOIS	SPEECH and/or LANGUAGE IMPAIRMENT The child exhibits deviations of speech and/or language processes which are outside the range of acceptable deviations within a given environment and which prevent full social or educational development. Rules and Regulations to Govern the Administration and Operation of Special Education, Article IX Identification, Evaluation, and Placement of Exceptional Children 9.16, p. 39 (1979).	Individual Therapy		80
		Rules and Regulations to Govern the Administration and Operation of Special Education, Article V Special Education Related Services, 5.01, c. p. 18 (1979).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
INDIANA	COMMUNICATION HANDICAP A child with a communication handicap will exhibit one or more of the following disorders which adversely affect educational achievement, social, emotional, and/or vocational development: a. ARTICULATION: ...includes all non-maturational speech deviations based primarily on incorrect production of speech sounds and may result from organic conditions or be non-organic, or functional, in nature. Articulation disorders include omissions, substitutions and/or distortions of speech sounds within words. b. FLUENCY: ...includes the speech deviations commonly referred to as stuttering and those which involve an abnormal rate of speech. c. VOICE: ...includes three major types of deviations having to do with the sound of voice: pitch, loudness, and quality. d. LANGUAGE: ...includes deviations in receptive, integrative, and expressive functions of communication. The disorders may involve all, one, or some combination of the phonologic, morphologic, semantic, or syntactic components of the linguistic system. e. AUDITORY DISORDERS: ...includes characteristics of children who are deaf, hard of hearing, or children who exhibit auditory perceptual disorders. Rules, Regulations and Policies Adopted and Promulgated by the Commission on General Education of the Indiana State Board of Education. State of Indiana Rule S-1, Section 4 Special Education Programs for Handicapped Children A. 1. Definition pp. 20-21 (1978).	Class sizes and caseloads shall be limited in number to allow the speech-language pathologist to meet the individual needs of each child enrolled as specified in the child's individualized education program. The class size and caseload shall be determined by: (a) The severity of the handicapping conditions of the children to be enrolled; (b) The types and intensity of therapy needed; (c) The number of schools and the distance between schools served by the speech-language pathologist. In addition, if the speech-language is not assigned to a full-time position with the communication handicapped, the caseload shall be adjusted. Rules, Regulations and Policies Adopted and Promulgated by the Commission on General Education of the Indiana State Board of Education. State of Indiana Rule S-1, Section 4 Special Education Programs for Handicapped Children A 4. Placement pp. 21-22 (1978).		

STATE | **HANDICAPPING CONDITION** | **STAFF TO STUDENT RATIO**

IOWA

"SPEECH AND LANGUAGE IMPAIRMENT", a communication disability, includes:

1. Impairment in LANGUAGE is a disability in verbal language resulting in a markedly impaired ability to acquire, use or comprehend spoken, read or written language due to difficulties in acquisition and usage of syntax, morphology, phonology and semantics.

2. Impairment in VOICE is an abnormality in pitch, loudness or quality resulting from pathological conditions, psychogenic factors or inappropriate use of the vocal mechanism which interferes with communication or results in maladjustment.

3. Impairment in FLUENCY is a disruption in the normal flow of verbal expressions which occurs frequently, or is markedly noticeable and not readily controllable by the pupil. The disruption occurs to the degree that the pupil or the pupil's listeners evidence reactions to the manner of the pupil's communication so that communication is impeded.

4. Impairment in ARTICULATION is defective production of phonemes which interfere with ready intelligibility of speech.

Public Instruction [670]; Special Education and Guidance; CH 12: Special Education; Division I - Scope, General Principles and Definitions. 670--12.3(281) Definitions; p. 6 (1985).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Resource Teaching Program		18
Special Class w/integration		
Elementary		12
Secondary		15
Self-contained Special Class w/Little Integration		
Preschool		8
Elementary		8
Secondary		10
Self-contained Special Class		
Severely Handicapped		5

Public Instruction [670]; Special Education and Guidance; CH 12: Special Education; Division I - Scope, General Principles and Definitions. 670--12.3(281) Definitions; p. 9 (1985).

KENTUCKY

COMMUNICATION DISORDER OF SPEECH AND LANGUAGE

Programs for pupils with communication disorders of speech and language shall be operated according to the following provisions: (1) Eligibility Criteria: (a) An admissions and release committee shall determine that a child has a communication disorder provided there is evidence of a disorder in language and/or speech, (i.e., dysfluency, impaired articulation, or a voice impairment which adversely affects the child's educational performance.

Kentucky Administrative Regulations - Related to Exceptional Children, KAR7071:054; p. 30 (1981).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Itinerant Instruction	35	75 per week
Severely Handicapped (caseload)	20	35

Kentucky Administrative Regulations - Related to Exceptional Children, KAR7071:054; p. 31 (1981).

STATE | **HANDICAPPING CONDITION** | **STAFF TO STUDENT RATIO**

LOUISIANA

SEVERE LANGUAGE DISORDERED is a type of communication impairment resulting from any physical or psychological condition which seriously interferes with the development, formation, and expression of language and which adversely affects the educational performance of the student.

SPEECH IMPAIRED is a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment which adversely affects a child's educational performance.

Louisiana's Law for Exceptional Students. Bulletin 1706; Regulations for Implementation of The Exceptional Children's Act (RS 17:1941 et seq); pp. 113-114 (1983).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Preschool	4	7
Elementary	4	9
Secondary	4	9

Louisiana's Law for Exceptional Students. Bulletin 1706; Regulations for Implementation of The Exceptional Children's Act (RS 17:1941 et seq); p. 121 (1983).

MAINE

SPEECH AND LANGUAGE FUNCTIONS - The child exhibits impairment in speech and/or language such as impaired articulation, stuttering, voice impairment, or a receptive or expressive verbal language handicap that is adversely affecting the child's educational progress and potential.

Maine's Special Education Regulations: Statute #3123 - Definitions; p. 15 (1981).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Self-contained		*
Primary (ages 5-9)		5(+3)
Intermediate (ages 10-14)		8(+4)
Advanced (ages 15-20)		8(+4)

*... represents that number of additional students who can be included in a self-contained program during the time that a teacher aide, teacher assistant or teacher associate works in the same room.

... a resource program or services shall not exceed a total of 50 to 1.

Maine's Special Education Regulations: Statute #3123. Definitions; pp. 33-34 (1981).

MARYLAND

"SPEECH IMPAIRED" means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's educational performance.

Maryland State Board of Education. Title 13A, Subtitle 05 Special Instructional Programs, Chapter 01 Programs for Handicapped Children, .02(h) Definitions; p. 3 (amended 1980).

Service delivery by levels (levels I, II, III, IV, and V).

Maryland State Board of Education. Title 13A, Subtitle 05 Special Instructional Programs, Chapter 01 Programs for Handicapped Children, .02(h) Definitions; p. 17-19 (amended 1980).

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
MICHIGAN	SPEECH and LANGUAGE IMPAIRED The speech and language impaired shall be determined through the manifestation of one or more of the following communication impairments which adversely affects education performance. (a) ARTICULATION IMPAIRMENT, including omissions, substitutions, or distortions of sound, persisting beyond the age at which maturation alone might be expected to correct the deviation. (b) VOICE IMPAIRMENT, including inappropriate pitch, loudness, or voice quality. (c) FLUENCY IMPAIRMENT, including abnormal rate of speaking, speech interruptions; and repetition of sounds, words, phrases, or sentences, which interferes with effective communications. (d) One or more of the following LANGUAGE IMPAIRMENTS: phonological, morphological, syntactic, semantic, or pragmatic use of aural/oral language... . Michigan Special Education Rules; Part I. General Provisions. R340.1710; Determination of Speech and Language Impaired. Rule 10 p. 6 (1983).	Individual Therapy		75
		Severely Language Impaired Classroom Programs		
		Classroom		10
		Caseload		15
		Michigan Special Education Rules; Part III. Administration of Programs and Services. R340.1745 Speech and Language Impaired Instructional Services; Rule 45 p. 21 and R340.1756 Severely Language Impaired Classroom Programs; Rule 56 p. 24 (1983).		
MINNESOTA	SPEECH IMPAIRED VOICE DISORDER. The absence of voice or presence of abnormal quality, resonance and pitch. STUTTERING. The intrusion/repetition of sounds, syllables and words, prolongations of sounds, avoidance of words or inappropriate inhalation, exhalation, or phonation patterns. ARTICULATION. The absence of or incorrect production of speech sounds. LANGUAGE DISORDERS. A breakdown in oral communication as characterized by problems in verbally expressing needs, ideas or information, which may be accompanied by problems in understanding verbal information. Minnesota Department of Education Criteria for Entry into Speech/Language Services, (1984-1985).	DIRECT SERVICE		
		Individually/Groups		
		Mild to Moderate		38
		Moderate to Severe		19
		Individually		
		Moderate		25
		Severe		15
		DIRECT/INDIRECT SERVICE		
		Individual		
		Severe to Profound		12
		* The following table provides guidelines for the number of students that can be provided therapy by a single clinican, when each student's service nees are considered. The table is based on 25 hours (or 1500 minutes) student contact time per week, and assignment of the speech-language clinican to a single building.		
		Minnesota Department of Education Criteria for Entry into Speech/Language Services, (1984-1985).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
MISSISSIPPI	LANGUAGE/SPEECH IMPAIRED means a communication disorder, such as stuttering, impaired articulation, a language problem, or a voice impairment, which adversely affects a child's educational performance. Children with language and/or speech impairments have disorders which interfere with or limit, to varying degrees, the child's ability to receive, interpret, formulate, or express oral language. VOICE IMPAIRMENT - abnormality in pitch, loudness,or quality resulting from pathological conditions or inappropriate use of the vocal mechanism that interferes with communication. FLUENCY IMPAIRMENT - disruptions in the normal flow of verbal expression that occur frequently, or are markedly noticeable and are not readily controllable by the child. These disruptions occur to such a degree that the child and/or the listeners evidence reactions to the manner of speech which impedes communication. LANGUAGE IMPAIRMENT - a disability in an impaired ability to acquire, use and/or comprehend symbols utilized in communication. Regulations for the Operation of the Mississippi Program for Exceptional Children; Program Placement Options to be Considered; pp. 64a-65a (1983).	... no label should predetermine the services needed. The needs of the child as determined by the IEP process should be the basis for program placement for all children. Regulations for the Operation of the Mississippi Program for Exceptional Children; Program Placement Options to be Considered; p. 27 (1983).		
MISSOURI	SPEECH AND LANGUAGE DISORDERS A "LANGUAGE DISORDER" is reduced ability, whether developmental or acquired, to comprehend or express ideas through spoken, written, or gestural language. The disorder may involve form of language (sounds and sound combinations, forming words, or putting words together in sentences) which is determined by the phonologic, morphologic, and syntactic systems. The disorder may involve the content of language (the meaning of words and combinations of words) which is determined by the semantic system. The disorder may involve the function of language in communication which is determined by the pragmatic system. Language disorders are, therefore, classified as disorders of form, content and/or function. A"SPEECH DISORDER" is difficulty with the mechanics of speech production when speech is the mode of expressing language. Speech disorders may be observed in voice, articulation, or fluency, or in any combination of the above. Missouri State Plan for Special Education, FY 84-86, Resource Guide for Special Education, Volume I-B; p. A-16 (amended 1983).	Itinerant Instruction	40	60
		Resource Room	8	15
		Self-Contained	6	10
		Missouri State Plan for Special Education, FY 84-86, Resource Guide for Special Education, Volume I-B; p. A-22 (amended 1983).		
MONTANA	"SPEECH/LANGUAGE IMPAIRED" means a communication disorder such as stuttering, impaired articulation, or a language or voice impairment which adversely affects a child's interpersonal relationships or educational performance. Montana Laws and Rules - Special Education Reference Manual; p. 4 (1983).	Itinerant Resource Speech and Language Service (Speech Pathologist)	15	60
		Montana Laws and Rules - Special Education Reference Manual; p. 11 (1983).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
NEBRASKA	SPEECH HANDICAPPED (SH) children shall mean those children who, in order to profit from regular school instruction, need facilities and procedures not available in the regular public school classes attended by physically normal children. Nebraska Department of Education Rule 51: Regulations for School Age Special Education Programs; Title 92, Nebraska Administrative Code. CH 51; p. 4 (1981).	Level I (caseload)		70
		Level II Special Education Classroom		16
		Nebraska Department of Education Rule 51: Regulations for School Age Special Education Programs; Title 92, Nebraska Administrative Code. CH 51; p. 20-22 (1981).		
NEVADA	SPEECH HANDICAPPED means articulation, fluency, language and/or voice disorders which are outside the range of acceptable variation in a given environment, are inconsistent with chronological age and/or mental age, or affect emotional, social, and/or educational adjustment. A student with a speech handicap is one who exhibits one or more of the following disorders: 1. ARTICULATION DISORDER 2. FLUENCY DISORDER 3. LANGUAGE DISORDER 4. VOICE DISORDER Standards for Administration of Special Education Programs, Nevada Department of Education; p. 31 (1985).	Special Education Unit		60
		Self-Contained Language Classroom		6
		Standards for Administration of Special Education Programs, Nevada Department of Education; p. 32 (1985).		
NEW HAMPSHIRE	"SPEECH-LANGUAGE IMPAIRED" means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a student's educational performance. New Hampshire State Board of Education, New Hampshire Standards for The Education of Handicapped Students; p. 7 (1981).	The class shall be organized either on a categorical basis or according to the degree of severity of the handicapping condition. New Hampshire Board of Education - New Hampshire Standards for the Education of Handicapped Students; ED 1119.05 Class Size and Range; p. 49 (1981).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
NEW JERSEY	"COMMUNICATION HANDICAPPED" means impaired native speech or language which is outside the range of acceptable variation, adversely affects a pupil's educational performance and is not due primarily to hearing impairment as defined under "auditorily handicapped." It is characterized by (i) or (ii) below. An evaluation by a certified speech correctionist is required. i. "COMMUNICATION HANDICAPPED" means a severe speech or language disorder which interferes with the ability to use oral language to communicate; ii. "Eligible for speech correction" means a mild to moderate disorder in language, articulation, voice or fluency which requires instruction by a speech correctionist. New Jersey Administrative Code, Title 6 Education, Subtitle F Division of Special Education, CH 28 Special Educational; p. 37 (1984).	Special Class * ... maximum class sizes may be increased no more than one-third with the addition of a classroom aide ... New Jersey Administrative Code, Title 6; Education, Subtitle F; Division of Special Education; Chapter 28 Special Education; pp. 56-57 (1983).		8
NEW MEXICO	COMMUNICATION DISORDERED - The communication disordered child is one whose primary handicap is the impaired ability to understand or use language for learning and communicating. A communication disordered child may exhibit one or more of the following types of communication disorders: a. PHONOLOGICAL DISORDER (articulation) — defective reception, processing, or production of phonemes (speech sounds). Production errors include: substitution of one phoneme for another, omission of phonemes in words, phonemic distortions, and errors in sequencing of phonemes. b. VOICE DISORDER -- abnormality in pitch, loudness, or quality resulting from pathological conditions or inappropriate use of the vocal mechanism. c. FLUENCY DISORDER -- a disruptions in the normal, rhythmic flow of speech that interfere with communication. d. LANGUAGE DISORDER -- a disability in the use of oral or written language which results in difficulty in language comprehension, verbal production, verbal learning, and language processing or reduced ability to use oral language effectively, including and executing discourse appropriate to one's developmental level. Sensory, motor, cognitive and emotional disabilities may also be present, but are not the primary disabling condition in this category. Written language deficiencies, if present, are secondary to the primary deficit of the oral language system. Some children diagnosed as autistic may be appropriately treated in a communication disordered class. New Mexico State Board of Education; Educational Standards for New Mexico Schools. Basic, Special Education, Vocational Programs, Section B - Special Education Program Standards; p. B-40 (1985).	Recommendations for program needs of an exceptional child is to be based on the severity of special educational need(s), rather than the handicapping condition. New Mexico State Board of Education; Educational Standards for New Mexico Schools. Basic, Special Education, Vocational Programs, Section B - Special Education Program Standards; (1985).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
NEW YORK	SPEECH IMPAIRED - A pupil with a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's educational performance. Regulations of the Commissioner of Education, Subchapter P. Part 200 - Handicapped Children; 200.1 Definitions. p. 5 (1984).	Resource Room Program Severely Speech-Impaired Regulations of the Commissioner of Education, Subchapter P. Part 200 - Handicapped Children; 200.1 Definitions.; p. 55 (1984).		20
NORTH CAROLINA	SPEECH AND LANGUAGE IMPAIRED - Children who are speech and/or language impaired are those who evidence: a. defective production of phonemes (speech sounds that interfere with readily intelligible speech); b. abnormality in pitch, loudness or quality resulting from pathological conditions or inappropriate use of the vocal mechanism that interferes with communication or produces maladjustment; c. disruptions in the normal flow of verbal expression that occur frequently, or are markedly noticeable and are not readily controllable by the pupil; d. disability in verbal learning (language disorders) resulting in a markedly impaired ability to acquire, use or comprehend spoken or written language where no significant degree of sensory or motor incapacity, mental retardation, emotional handicap or environmental disadvantage is present as the primary disabling condition; and e. delayed language acquisition resulting from sensory or motor incapacity, mental retardation, emotional handicap or environmental disadvantage. Rules Governing Programs and Services for Children with Special Needs, Section .1501 Definitions; p. 3 (1980).	Maximum or minimum caseloads are flexible for full-time or part-time class for children with language disorders. Rules Governing Programs and Services for Children with Special Needs, Section .1501 Definitions; pp. 38-40 (1980).		
NORTH DAKOTA	COMMUNICATION DISORDERED students are those with language and/or speech anomalies in the areas of articulation, language, voice, and fluency. Hearing impairment may be classified as a communication disorder when it impedes the development, performance, or maintenance of articulation, language, voice or fluency. Communication differences refers to cultural/ethnic linguistic deviations that are not considered communication disorders. Special Education in North Dakota; Guide I - Laws, Policies and Regulations for Special Education for Exceptional Children; p. IV-16 (1982).	Caseload * A lower number in the caseload may be approved if the communication disorders of the population being served warrant it. Special Education in North Dakota; Guide I - Laws, Policies and Regulations for Special Education for Exceptional Children; p. IV-16 (1982).	50	60

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
OHIO	SPEECH HANDICAPPED	Caseload	30	60
	Speech handicapped means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's educational performance.	Rules for the Education of Handicapped Children, 3301-51-05 Related Services for Handicapped Children. N. 3.f p. 90 (1982).		
	Rules for the Education of the Handicapped Children, 3301-51-01 Definitions. GGG p. 13 (1982).			
OKLAHOMA	SPEECH IMPAIRED means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's education performance.	Class/Caseload	50	75
	Policies and Procedures Manual for Special Education in Oklahoma, C. Category Definitions, State Regulations and Class Size; p. 9 (1982).	Policies and Procedures Manual for Special Education in Oklahoma, C. Category Definitions, State Regulations and Class Size; p. 36 (1982).		
OREGON	"SPEECH IMPAIRED" means a communication disorder, such as a language impairment, stuttering, impaired articulation, or a voice impairment, which adversely affects a child's educational performance.	The educational program shall maintain pupil/teacher ratio at all instructional levels that are functional in view of the purposes of the student groupings. Pupil/teacher ratio shall be of such a nature that all enrolled pupils will have access to individual instruction.		
	Oregon Administrative Rules, CH 581, Division 15 - Department of Education; p. 2 (1984).	Oregon Administrative Rules, CH 581, Division 15 - Department of Education; p. 19 (1984).		
PENNSYLVANIA	SPEECH and LANGUAGE IMPAIRED	Itinerant		
	Communication disorders of impaired language, voice, fluency or articulation to such a degree that academic achievement is invariably effected and the condition is significantly handicapping to the effected person. A person shall be assigned to a program for speech and language impaired when the screening by a speech clinician and the Individualized Education Program indicated that such a program is appropriate. Where appropriate, an evaluation by a certified public school psychologist or physician shall be performed.	Elementary/Secondary	20	90**
	Standards for Special Education, 22 PA. Code CH 341, Section 341.1 Definitions (b) 9 p. 4 (1977).	Resource Rooms		
		Elementary/Secondary	5	8
		** Sessions with the child for Speech and Language: 20 students (5 sessions/student/week) 25 students (4 sessions/student/week) 45 students (2 sessions/student/week) 90 students (1 session/student/week)		
		Standards for Special Education, 22 PA. Code CH 341, Section 341.35 Approval of Plans, Constant Enrollment by Organizational Patterns; p. 14.		

STATE | **HANDICAPPING CONDITION** | **STAFF TO STUDENT RATIO**

RHODE ISLAND

SPEECH DISORDERED

ARTICULATION DISORDERED: A child who exhibits defective production of phonemes (speech sounds) that interferes with ready intelligibility of speech. Types of misarticulations include: substitution of one phoneme for another, omission of phonemes in words, phonemic distortions, and inappropriate additions of phonemes.

VOICE DISORDERED: A child who exhibits abnormality in pitch, loudness or quality resulting from pathological conditions or inappropriate use of the vocal mechanism that interferes with communication or produces maladjustment.

FLUENCY DISORDERED: A child exhibits disruptions in the normal flow of verbal expression that frequency, or are markedly noticeable and are not readily controlled by the child. These disruptions occur to the degree that the child and/or his/her listeners evidence reactions to the manner of speech and the disruptions so that communication is impeded.

Education for Handicapped Children, Regulations of the Board of Regents Governing the Special Education of Handicapped Children; p. 3 (1980).

	Class Size/Caseload	
Program Type	Minimum	Maximum
Self-contained, Special Classes Part-time or full-time for mildly and moderately handicapped children, without a teacher's aide.		8
Severely, profoundly and multi-handicapped class		
With a full-time teacher's aide		6
Without an aide		3

Education for Handicapped Children, Regulations of the Board of Regents Governing the Special Education of Handicapped Children; p. 32 (amended 1980).

TENNESSEE

SPEECH/LANGUAGE IMPAIRED

A child whose basic communication system, whether verbal, gestural, or vocal, evidences disorder, deviation, or general developmental delay in language, articulation, fluency, or voice quality which hinders his/her academic learning, social adjustment, or communication skills, is considered speech or language impaired.

Rules, Regulations and Minimum Standards for the Governance of Public Schools in the State of Tennessee, CH 0520-1-3; p. 79 (1982).

In grades kindergarten through 12, maximum membership of any class shall not exceed:

(i) Kindergarten - 25 pupils
(ii) Grades 1 through 3 - 25 pupils
(iii) Grade 4 - 28 pupils
(iv) Grades 5 through 6 - 30 pupils
(v) Grades 7 through 12 - 35 pupils

This regulation should not be interpreted to prohibit ungraded classes, team teaching, individualized instruction, or other such programs designed to meet student needs, if the teacher's weekly pupil load is compatible with the above regulation.

Rules, Regulations and Minimum Standards for the Governance of Public Schools in the State of Tennessee, CH 0520-1-3; p. 45 (1982).

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
UTAH	COMMUNICATION DISORDERED (SPEECH/LANGUAGE/HEARING) The communication disordered student has a disorder in one or in a combination of modes of communication: listening, thinking and speaking. The speech, hearing and/or language disorder may involve a disorder of spoken speech, expressive or receptive language, or receptive or integrative audition. The speech/hearing/language disorder may effect the student's communication to such a degree that it detracts from acceptable normal speech and language, calls undesirable attention to itself, is embarrassing to the student, or adversely affects educational performance and/or linguistic competence or performance. Rules and Regulations for Education Programs for the Handicapped. Utah Office of Education; p. 37 (1981).	Resource Rules and Regulations for Education Programs for the Handicapped. Utah Office of Education; p. 20 (1981).		60
VERMONT	SPEECH HANDICAPPED Speech is a means by which each individual is able to adjust socially to group life. The ability to speak clearly and understandably is basic to living useful and happy lives. The goal of speech therapy is to assist each individual in developing the best possible speech pattern. Special Education and Pupil Services: Policies and Regulations of the Program for the Education of Handicapped Pupils; p. 47 (1975).	In determining an appropriate size or caseload, consideration shall be given to the unique educational requirements of the pupils who comprise the class roster or caseload. Adjustments shall be made to account for the nature and severity of the pupil's unique needs. Special Education Rules From the Vermont State Board of Education Manual of Rules and Practices; 2365.1.2, P. 6 (1982).		
WEST VIRGINIA	COMMUNICATION DISORDERED students have language, voice, fluency, or articulation disorders which adversely affect their communication skills, educational performance, psychosocial adjustment, or vocational/career potential. 1). "LANGUAGE DISORDER" means the deviant or delayed development, or loss following development, or the ability to comprehend, produce, or use language. Language disorders are commonly found in students with hearing impairments, specific learning disabilities, mental retardation, severe emotional disturbances, and neurological impairments. Language disorders are also found in the absence of theses disabilities, such as when lack of experience or environmental factors result in inadequate linguistic models for pupils. West Virginia Department of Education, Office of Special Education Administration. Regulations for the Education of Exceptional Students; p. 55 (1983).	Individualized Services Self-contained communication disorders program shall be determined on an individual basis upon application to the State Department of Education. West Virginia Department of Education, Office of Special Education Administration. Regulations for the Education of Exceptional Students; p. 57 (1983).		40

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
WEST VIRGINIA cont'd	COMMUNICATION DISORDERED 2). "VOICE DISORDER" means the abnormal production of voice characterized by defective vocal quality, pitch or loudness resulting from pathological conditions, psychogenic factors, or inappropriate use of the vocal mechanism. 3). "FLUENCY DISORDER" means disruptions in the normal flow of speech that occur frequently or are markedly noticeable and are characterized by any of the following: repetitions or prolongations of sounds or syllables, blocks, hesitations, revisions, incomplete phrases, avoidance behavior, or ancillary movements indicative of stress or struggle. 4). "ARTICULATION DISORDER" means the abnormal production of phonemes (classes or speech sounds) resulting from factors such as faulty learning, neuromotor impairment, sensory deficits, anatomical deficiencies or developmental lag. West Virginia Department of Education, Office of Special Education Administration. Regulations for the Education of Exceptional Students; p. 55 (1983).	Individualized Services		40
		Self-contained communication disorders program shall be determined on an individual basis upon application to the State Department of Education. West Virginia Department of Education, Office of Special Education Administration. Regulations for the Education of Exceptional Students; p. 57 (1983).		
WISCONSIN	SPEECH and LANGUAGE HANDICAPS Speech and language handicaps are characterized by a delay or deviance in the acquisition of prelinguistic skills,or receptive skills or expressive skills or both of oral communication. The handicapping condition does not include speech and language problems resulting from differences in paucity of or isolation from appropriate models. Rules Implementing Subchapter IV of CH 115, Wisconsin Statues, CH PI, PI 11.34 Eligibility (2) HANDICAPPING CONDITION (f) p. 124 (1981).	Self-contained Complete		
		Early Education	5	12
		Primary	5	15
		Self-contained Integrated		
		Early Education	8	15
		Primary	8	15
		Itinerant		
		Early Education	15	20
		Primary	15	35
		Intermediate	15	35
		Middle/Junior	15	40
		Senior	15	40
		MINIMUMS AND MAXIMUMS MAY BE NEGOTIATED BY CONTACTING THE APPROPRIATE DHC SUPERVISOR IN ADVANCE OF PROGRAM IMPLEMENTATION AND WITH JUSTIFIABLE RATIONALE. Wisconsin Division for Handicapped Children, Bulletin No. 83.1 Minimum/Maximum Enrollment Criteria for 1983-84.		

8. VISUALLY HANDICAPPED

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	Maximum
ALABAMA	VISUALLY HANDICAPPED School-aged students who exhibit visual impairments which even after correction adversely affect the student's educational performance are referred to as VISUALLY HANDICAPPED. The term includes both PARTIALLY SEEING and BLIND. Policies and Procedures Manual: Program for Exceptional Children and Youth; Bulletin 1980; No. 31; p. 119.	Resource Room Self-Contained Policies and Procedures Manual: Program for Exceptional Children and Youth; Bulletin 1980; No. 31; p. 120.		20 8
ARKANSAS	VISUALLY HANDICAPPED "VISUALLY HANDICAPPED" means a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes both PARTIALLY SEEING and BLIND children. Visually impaired pupils are those who because of the type and degree of visual impairment are unable to perform satisfactorily in the usual classroom without significant modifications in curriculum and instructional materials, equipment, and methods. Special education for the visually impaired may be offered specifically for low vision pupils, for blind pupils, or for low vision and blind pupils in combination. Special classes may be conducted at either elementary or secondary level. Itinerant services may enroll either elementary or secondary pupils, or both. Program Standards and Eligibility Criteria for Special Education; p. 20-1, (1981).	Resource Room Elementary Secondary Itinerant Instruction Elementary Secondary Program Standards and Eligibility Criteria for Special Education; p. 4-1 (1981).		 8 15 12 20
ARIZONA	VISUALLY HANDICAPPED "VISUALLY HANDICAPPED" means a child who has a vision deviation from the normal, as determined by evaluation pursuant to SS 15-766, which impedes his educational progress in the regular classroom situation without the support of special classes or special services designed to promote his educational development, and whose intellectual development is such that he is capable of being educated through a modified instructional environment. Arizona Revised Statutes: Annotated 1983 Special Pamphlet; Title 15 Education; CH 7; Sec. 15-761; p. 241.	... policy with regard to allowable pupil-teacher ratios and pupil-staff ratios within the district or county for provision of special education services. Arizona Revised Statutes: Annotated 1983 Special Pamphlet; Title 15 Education; CH 7; Sec. 764; p. 245.		

STATE

HANDICAPPING CONDITION

STAFF TO STUDENT RATIO

COLORADO

VISION HANDICAP

VISION HANDICAP: A deficiency in visual acuity where, even with the use of lenses or corrective devices, the child requires modification or adaptation of instructional methods and materials or supplementary assistance in order to function and learn. A visual handicap is indicated by one or more of the following characteristics:

(a) Visual acuity of less than 20/70 in the better eye after correction.

(b) Restricted visual field.

(c) Limited ability to move about safely in the environment.

(d) Need for Braille, large print, or audio materials as primary reading medium.

(e) Requirement for adaptation of educational material.

(f) Requirement of specialized aid and equipment.

1 Colorado Code of Regulations 301-8; Administration of The Exceptional Children's Act; p. 1 (1983).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Self-contained		
Preschool		8
Elementary		8
Secondary		10
Resource Room		
Preschool		8
Elementary		8
Secondary		15
Itinerant Instruction		
Elementary		12
Secondary		20

1 Colorado Code of Regulations 301-8; Administration of The Exceptional Children's Act; p. 14 (1983).

CONNECTICUT

VISUALLY HANDICAPPED

"VISUALLY HANDICAPPED" means a child with measurable visual impairment which, even after correction, continues to adversely affect the child's educational performance. The term shall include both PARTIALLY SEEING and BLIND children.

Regulations Concerning Children Requiring Special Education: Section 10-76a to 10-761, Inclusive, of The General Statutes; p. 6 (1980).

The number and age range of children requiring special education and related services assigned to a class shall be such that the specifications of each child's individualized education program can be met.

Regulations Concerning Children Requiring Special Education: Section 10-76a to 10-761, Inclusive, of The General Statutes; p. 14 (1980).

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum

DELAWARE

VISUAL IMPAIRMENT

The child's sensory visual impairment is such that he or she cannot develop his educational potential without special services and materials.

a. A blind child is one who has a visual acuity of 20/200 or less in the better eye, with best correction, or a peripheral field so contracted that the widest diameter of such field subtends an angular distance no greater than 20 degrees. (Opthalmologist or Optometrist)

b. A partially sighted child is one who has a visual acuity between 20/70 and 20/200 in the better eye with best correction or who has a disease of the eye or body that seriously affects vision. (Opthalmologist or Optometrist)

Administrative Manual for Programs for Exceptional Children; pp. 21-22 (revised 1983).

Program Type	Minimum	Maximum
Classes for the Blind		8
Classes for the Partially-Sighted		10

Administrative Manual for Programs for Exceptional Children; Units of Pupils, p. A 1-12 (revised 1983).

DISTRICT OF COLUMBIA

VISUALLY IMPAIRED

VISUALLY IMPAIRED means a student with a visual handicap which, even with correction, adversely affects a child's educational performance. This category includes both PARTIALLY SIGHTED and BLIND.

Blind

A visual acuity of 20/200 or less in the better eye with the best correction, or a peripheral field so contracted that the widest diameter of such field subtends an angular distance no greater than 20 degrees.

Partially Seeing

A visual acuity between 20/70 and 20/200 in the better eye with the best correction, or other dysfunctions or conditions that affect the vision.

State Requirements and Program Standards for Special Education in the District of Columbia; District of Columbia Board of Education; p. 34 (1986).

Program Type	Minimum	Maximum
BLIND*		
Itinerant		
Elementary		15
Secondary		20
Part Time		
Elementary		10
Secondary		12
Self-contained		
Elementary		8
Secondary		8
PARTIALLY SIGHTED**		
Itinerant		
Elementary		25
Secondary		30
Part Time		
Elementary		15
Secondary		20
Self-contained		
Elementary		10
Secondary		10

* With the assignment of an aide caseload may be increased by no more than 2 students.

** With the assignment of an aide caseload may be increased by no more than 3 students.

State Requirements and Program Standards for Special Education in the District of Columbia; District of Columbia Board of Education; p. 35 (1986).

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
		Program Type	Class Size/Caseload Minimum	Maximum
FLORIDA	VISUALLY IMPAIRED (a) BLIND - one who after the best possible correction has no vision or has little potential for using vision as a primary channel for learning and, therefore, must rely upon tactual and auditory senses to obtain information. (b) PARTIALLY SIGHTED - one whose vision, after the best possible correction, although impaired, is yet a primary channel of learning and who, with considerable adjustments, is able to perform the visual tasks required in the usual school situation. A Resource Manual for the Development and Evaluation of Special Programs for Exceptional Students. Volume I-B: Florida Statutes and State Board of Education Rules: Excerpts for Programs for Exceptional Students; 6A-6.3016; p. 50 (1982).	No regulations for class size/caseload ratios in State Board of Education Rules (1974). A Resource Manual for the Development and Evaluation of Special Programs for Exceptional Students. Volume I-B: Florida Statutes and State Board of Education Rules: Excerpts for Programs for Exceptional Students; 6A-6.3016; (1982).		
GEORGIA	VISUALLY IMPAIRED Students to be served include those whose VISUAL IMPAIRMENTS interfere with functioning in a regular school program. Visual impairment is determined on the basis of a current examination by an opthalmologist or optometrist. a. PARTIALLY SIGHTED - A partially sighted student is one whose visual acuity falls within the range of 20/70 to 20/200 in the better eye after correction, or when the child cannot read 18 point print at any distance. Some students with a visual acuity better than 20/70 will need specialized help for a limited time. The Placement Committee shall determine whether the visual loss constitutes an educational handicap. b. LEGALLY BLIND - A legally blind student is one whose visual acuity is 20/200 or less in the better eye after correction, or who has a limitation in the field of vision that subtends an angle of 20 degrees. Some legally blind students have usual vision and may read print. c. FUNCTIONALLY BLIND - A legally blind student who will be unable to use print as the reading medium is considered to be functionally blind. Instruction in Braille will be essential to this student's education. Georgia Department of Education Regulations and Procedures. VI: Program Areas; p. IDDFd3-25/2 (1984).	Special Class Factors such as severity of impairment, age span and distance between schools should be considered when determining case loads. Georgia Department of Education Regulations and Procedures. VI: Program Areas; p. IDDFd3-25/3 (1984).		12

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
IDAHO	VISUALLY IMPAIRED VISUALLY IMPAIRED. Those students who have visual impairments which, even with correction, adversely affect a child's educational performance. The term includes both PARTIALLY SIGHTED and BLIND. "Partially sighted" refers to the ability to use vision as one channel of learning if educational materials are adpated. "Blind" refers to the prohibition of vision as a channel of learning, regardless of adaptation of materials. Idaho State Board of Education Rules and Regulations Pertaining to Special Education and Federal Regulations Under PL 94-142; Alphabetical Definition of Terms; 1. 29; p. 6 (1983).	Non-categorical service delivery system. Idaho State Board of Education Rules and Regulations Pertaining to Special Education and Federal Regulations Under PL 94-142; Alphabetical Definition of Terms; 1.9; pp. 46-47, 52, and 54 (1983).		
ILLINOIS	VISUAL IMPAIRMENT The child's visual impairment is such that the child cannot develop his or her educational potential without special services and materials. Rules and Regulations to Govern the Administration and Operation of Special Education, Article IX Identification, Evaluation, and Placement of Exceptional Children 9.16, 1 p. 39 (1979).	Instructional Program		
		Severe Impairment		8
		Moderate Impairment		12
		Rules and Regulations to Govern the Administration and Operation of Special Education, Article IV Special Education Instructional and Resource Program, 4.04, 3 and 5 p. 15 (1979).		
INDIANA	VISUAL HANDICAPPED A visually handicapped child is one who meets one of the following descriptions: THE BLIND CHILD: A child is blind whose visual loss after correction is so severe, for educational purposes, that vision cannot be used as a major channel of learning. THE PARTIALLY SEEING CHILD: A child is partially seeing whose vision after correction deviates from normal to such an extent that the child is able to use vision as the principal means of learning. Rules, Regulations and Policies Adopted and Promulgated by the Commission on General Education of the Indiana State Board of Education. State of Indiana Rule S-1, Section 4 Special Education Programs for Handicapped Children H. 1. Definition p. 35 (1978).	Class sizes and caseloads shall be limited in number to allow the teacher to meet the individual needs of each child enrolled as specified in the child's individualized education program. The class size and caseload shall be determined by: (a) The severity of the handicapping conditions of the children to be enrolled; (b) The types and intensity of instruction needed; (c) The children's ages; (d) The availability of paraprofessionals; and (e) The related services to be provided outside the classroom by other personnel. Caseload shall be determined, in the case of the instructional resource service, by the number of schools and the distance between schools served. In addition, if the teacher is not assigned to a full-time special education position, the caseload shall be adjusted. Rules, Regulations and Policies Adopted and Promulgated by the Commission on General Education of the Indiana State Board of Education. State of Indiana Rule S-1, Section 4 Special Education Programs for Handicapped Children H. 4. Placement c. Programs for the Visually Handicapped p. 36 (1978).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
		Program Type	Class Size/Caseload Minimum	Maximum
IOWA	VISUAL IMPAIRMENT "VISUAL IMPAIRMENT", a physical disability, is characteristic of pupils whose vision deviates from the normal to such an extent that they require special education. Education functioning and visual and adaptive skills are used in determining needs of pupils with visual impairments. Public Instruction [670]; Special Education and Guidance; CH 12: Special Education; Division I - Scope, General Principles and Definitions. 670--12.3(281) Definitions; p. 5 (1985).	Resource Teaching Program		15
		Special Class w/integration		
		Elementary		12
		Secondary		15
		Self-contained Special Class w/Little Integration		
		Preschool		8
		Elementary		8
		Secondary		10
		Special Class		
		Severely Handicapped		5
		Public Instruction [670]; Special Education and Guidance; CH 12: Special Education; Division I - Scope, General Principles and Definitions. 670--12.3(281) Definitions; p. 9 (1985).		
KENTUCKY	VISUALLY IMPAIRED An admissions and release committee shall determine that a child is VISUALLY IMPAIRED provided the following criteria are met: (a) The child has a visual acuity of 20/70 or less in the better eye after correction; and/or (b) The child has a visual handicap(s) which, even with correction, adversely affect the child's educational performance. The term includes both partially seeing and blind children. Kentucky Administrative Regulations - Related to Exceptional Children, KAR7071:054; pp. 56-58 (1981).	Special Class Plan	5	10
		Resource Plan	5	10
		Itinerant Teacher	5	12
		No more than seven pupils, all within a four year age span, may be in the resource room during any one instructional period. Kentucky Administrative Regulations - Related to Exceptional Children, KAR7071:054; pp. 57-58 (1981).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
LOUISIANA	VISUALLY HANDICAPPED VISUALLY HANDICAPPED is a visual impairment which, even with correction, adversely affects a child's educational performance. The term handicapped includes both BLIND and PARTIALLY SEEING children. (§987) BLIND is a central visual acuity of 20/200 or less in the better eye with correction or a peripheral field of vision so contracted that its widest diameter is less than 20 degrees. (§917) Louisiana's Law for Exceptional Students. Bulletin 1706; Regulations for Implementation of The Exceptional Children's Act (RS 17:1941 et seq); pp. 115, 102 (1983).	Preschool	4	7
		Elementary	4	9
		Secondary	4	9
		Louisiana's Law for Exceptional Students. Bulletin 1706; Regulations for Implementation of The Exceptional Children's Act (RS 17:1941 et seq); p. 121 (1983).		
MAINE	VISION The child's impairment is such that, after the best possible correction, a limitation of vision is left requiring special education services and/or materials to provide for the child's educational progress and potential. Maine's Special Education Regulations: Statute #3123-Definitions; p. 15 (1981).	Self-Contained Program		*
		Primary (ages 5-9)		5(+3)
		Intermediate (ages 10-14)		8(+4)
		Advanced (ages 15-20)		8(+4)
		*...number of additional students who can be included in a self-contained program during the time that a teacher aide, teacher assistant or teacher associate works in the same room... Maine's Special Education Regulations: Statute #3123. Definitions; 101.6 DEFINITIONS p. 34 (1981).		
MARYLAND	VISUALLY HANDICAPPED "VISUALLY HANDICAPPED" means a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children. Maryland State Board of Education. Title 13A, Subtitle 05 Special Instructional Programs, Chapter 01 Programs for Handicapped Children, .02(h) Definitions; p. 3 (amended 1980).	Service delivery by levels (levels I, II, III, IV, and V). Maryland State Board of Education. Title 13A, Subtitle 05 Special Instructional Programs, Chapter 01 Programs for Handicapped Children, .02(h) Definitions; pp. 17-19 (amended 1980).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
MICHIGAN	**VISUALLY IMPAIRED** The visually impaired shall be determined through the manifestation of both of the following: (a) A visual impairment that interferes with development or adversely affects educational performance. (b) One or both of the following: (i) A central vision acuity of 20/70 or less in the better eye after routine refractive correction. (ii) A peripheral field of vision restrictive to not more than 20 degrees. Michigan Special Education Rules; Part I. General Provisions. R340.1708; Determination of Visually Impaired Rule 8 p. 5 (1983).	Special Class Michigan Special Education Rules; Part III. Administration of Programs and Services. R340.1743; Visually Impaired Programs Rule 43 p. 21 (1983).		8
MINNESOTA	**VISUALLY HANDICAPPED** VISUALLY HANDICAPPED means a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children. Education of the Handicapped Act, PL 94-142, Subchapter 1-General Provisions, Section 140.1, Reg. 300.5(b), (11).	Level 4 (Resource Room/Part Time Special Class) Revised Special Education Rules, CH 7; 3525.1700 STAFF TO STUDENT RATIOS. Subpart 3. Ratio in level 3 of the continuum placement model. p. 13 (1984).		8
MISSISSIPPI	VISUALLY IMPAIRED children are those who have a visual impairment which, even with correction, adversely affects their educational performance, and are classified in one of the following ways: 1. BLIND: Children who have so little remaining vision that they must use Braille as their reading medium. 2. PARTIALLY SIGHTED: Children who have a significant loss of vision but who are able to use regular or large print as their reading medium. Generally, these children will have a visual acuity between 20/70 and 20/200 in the better eye after correction. 3. LEGALLY BLIND: Children who have a visual acuity of 20/200 or less in the better eye after correction and/or peripheral field so contracted that the widest diameter subtends an arc no greater than 20 degrees. 4. Other severe visual problems. Regulations for the Operation of the Mississippi Program for Exceptional Children; Program Placement Options to be Considered; p. 70 (1983).	... no label should predetermine the services needed. The needs of the child as determined by the IEP process should be the basis for program placement for all children. Regulations for the Operation of the Mississippi Program for Exceptional Children; Program Placement Options to be Considered; p. 27 (1983).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO

MISSOURI

VISUALLY IMPAIRED

VISUALLY IMPAIRED is a generic term, including both partially sighted and blind, which refers to students with any type of visual impairment and which, even with correction, adversely affects the child's educational performance.

"PARTIALLY SIGHTED" refers to the presence of visual acuity so limited as to require specific educational compensation of a significant nature in order for the learning needs of the student to be met adequately by the school. Generally, the partially sighted student has a central visual acuity range of 20/70 to 20/200 in the better eye with best correction by glasses.

"BLIND" refers to visual acuity so limited as to require a comprehensive educational program using large print and recorded materials, mobility training, Braille skills, self-help, and daily-care skills development. Generally, the blind student has a central visual acuity of 20/200 or less in the better eye after best correction by glasses or peripheral vision of 20 degrees or less.

Missouri State Plan for Special Education, FY 84-86, Resource Guide for Special Education, Volume I-B; pp. A-15 and 16 (amended 1983).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Self-Contained	5	8
Resource Room	8	15
Itinerant Teacher	10	20

Missouri State Plan for Special Education, FY 84-86, Resource Guide for Special Education, Volume I-B; p. A-22 (amended 1983).

MONTANA

"VISUALLY HANDICAPPED" means a visual impairment which, after correction, adversely affects a child's educational performance. The term includes both PARTIALLY SEEING and BLIND children.

Montana Laws and Rules - Special Education Reference Manual; p. 4 (1983).

No information found in the Manual.

NEBRASKA

VISUALLY HANDICAPPED

VISUALLY HANDICAPPED (VH) children shall mean children who, by reason of their physical defects, are unable to attend regular public school classes, are not physically adpated to hold full-time membership in regular school facilities, or who, in order to profit from regular school instruction, need facilities and procedures not available in the regular public school classes attended by physically normal children.

Nebraska Department of Education Rule 51: Regulations for School Age Special Education Programs; Title 92, Nebraska Administrative Code. CH 51; p. 4 (1981).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Level I		20
Level II Special Education Classroom		10

Nebraska Department of Education Rule 51: Regulations for School Age Special Education Programs; Title 92, Nebraska Administrative Code. CH 51; pp. 20-21 (1981).

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
NEVADA	VISUALLY HANDICAPPED	Caseload		20
		Special Class		6
	VISUALLY HANDICAPPED means an impairment of vision which interferes with the child's ability to benefit from or participate in a typical classroom setting without the assistance of special education services.	Standards for Administration of Special Education Programs, Nevada Department of Education; p. 33 (1985).		
	Classifications include: 1. ADVENTITIOUSLY VISUALLY HANDICAPPED 2. SEVERELY VISUALLY HANDICAPPED 3. MODERATELY VISUALLY HANDICAPPED 4. MILDLY VISUALLY HANDICAPPED			
	Standards for Administration of Special Education Programs, Nevada Department of Education; p. 33 (1985).			
NEW HAMPSHIRE	VISUALLY HANDICAPPED	The class shall be organized either on a categorical basis or according to the degree of severity of the handicapping condition.		
	"VISUALLY HANDICAPPED" means a visual impairment which, even with correction, adversely affects a student's educational performance. The term includes both PARTIALLY SEEING and BLIND students.	New Hampshire Board of Education - New Hampshire Standards for the Education of Handicapped Students; ED 1119.05 Class Size and Range; p. 49 (1981).		
	New Hampshire State Board of Education, New Hampshire Standards for the Education of Handicapped Students; p. 7 (1981).			
NEW JERSEY	VISUALLY HANDICAPPED	Special Class		8
	"VISUALLY HANDICAPPED" means an inability to see within normal limits as characterized by (i) or (ii) below. An evaluation by a specialist qualified to determine visual disability is required. Visually handicapped pupils eligible for special education and/or related services shall be reported to the Commission for the Blind and Visually Impaired.	* ... maximum class sizes may be increased no more than one-third with the addition of a classroom aide ...		
	i. "BLIND" means a loss of acuity or field restriction so great that a pupil cannot rely on sight to learn.	New Jersey Administrative Code, Title 6; Education, Subtitle F; Division of Special Education; Chapter 28 Special Education; pp. 56-57 (1983).		
	ii. "PARTIALLY SIGHTED" means a field restriction or loss of visual acuity which adversely affects a pupil's education, but which does not warrant classification of a pupil as "blind". A partially sighted pupil is able to use sight to learn.			
	New Jersey Administrative Code, Title 6 Education, Subtitle F Division of Special Education, CH 28 Special Education; p. 40 (1984).			

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type — Class Size/Caseload Minimum — Maximum
NEW MEXICO	VISUALLY IMPAIRED VISUALLY IMPAIRED children are those who because of the type and degree of visual impairment, after best possible correction, are unable to perform satisfactorily in the regular classroom without significant modification in curriculum and instructional materials, equipment, and methods. New Mexico State Board of Education; Educational Standards for New Mexico Schools. Basic, Special Education, Vocational Programs, Section B - Special Education Program Standards; p. B-64 (1985).	Recommendations for program needs of an exceptional child is to be based on the severity of special educational need(s), rather than the handicapping condition. New Mexico State Board of Education; Educational Standards for New Mexico Schools. Basic, Special Education, Vocational Programs, Section B - Special Education Program Standards; B-65 (1985).
NEW YORK	VISUALLY IMPAIRED VISUALLY IMPAIRED. A pupil with a visual handicap which, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children. Regulations of the Commissioner of Education, Subchapter P. Part 200 - Handicapped Children; 200.1 Definitions.; p. 5 (1984).	In all cases the size and composition of a class shall be based on the similarity of the individual needs of the pupils according to: (i) levels of academic or educational achievement and learning ratios; (ii) levels of social development; (iii) levels of physical development; and (iv) the management needs of the pupils in the classroom. ... A special class shall be composed of pupils with the same handicapping conditions or of pupils with differing conditions but with similar individual needs. Regulations of the Commissioner of Education, Subchapter P. Part 200 - Handicapped Children; 200.1 Definitions.; p. 52-54 (1984).
NORTH CAROLINA	VISUALLY IMPAIRED (a) FUNCTIONALLY BLIND children are those who have so little remaining vision that they must use Braille as their reading medium. (b) PARTIALLY SEEING children are those who have a loss of vision, but are able to use regular or large type as their reading medium. These will generally be children who have a visual acuity between 20/70 and 20/200 or less in the better eye after correction. (c) Children who are LEGALLY BLIND are those who have a visual acuity of 20/200 or less in the better eye after correction or a peripheral field so contracted that the widest diameter subtends an arc no greater than 20 degrees. Rules Governing Programs and Services for Children with Special Needs, Section .1501 Definitions; p. 3 (1980).	Regular Class Part-Time Special Class — 35 Full-Time Special Class — 8 Self-Contained: Blind Partially-Sighted — 8 Blind/Severely Handicapped — 10 Rules Governing Programs and Services for Children with Special Needs, Section .1501 Definitions; p. 40 (1980).

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
NORTH DAKOTA	VISUAL IMPAIRMENT A student with VISUAL IMPAIRMENT 20/200 is considered legally blind though he may be able to use vision as a secondary channel for education. A student with 20/70 - 20/20 and/or a restricted field of vision is partially-sighted an may require large print texts and materials in order to use vision as the primary channel of learning. Blind students may require Braille texts as the major material. Special Education in North Dakota; Laws, Policies and Regulations for Special Education for Exceptional Children; p. IV-20 (1982).	Self-contained	3	10
		Resource Room	3	10
		Itinerant Instruction	3	10
		Special Education in North Dakota; Laws, Politics and Regulations for Special Education for Exceptional Children; p. IV-38 (1982).		
OHIO	VISUALLY HANDICAPPED VISUALLY HANDICAPPED means a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children. Rules for the Education of the Handicapped Children, 3301-51-01 Definitions. KKK p. 13 (1982).	Special Class	6	10
		Rules for the Education of Handicapped Children, 3301-51-04 Special Education Programs for Handicapped Children. C. Program for Visually Handicapped Children p. 58 (1982).		
OKLAHOMA	VISUALLY HANDICAPPED "VISUALLY HANDICAPPED" means a visual impairment which, even with correction, adversely affects a child's educational performance. Policies and Procedures Manual for Special Education in Oklahoma, C. Category Definitions, State Regulations and Class Size; p. 9 (1982).	Class	3	10
		Policies and Procedures Manual for Special Education in Oklahoma, C. Category Definitions, State Regulations and Class Size; p. 35 (1982).		
OREGON	VISUALLY HANDICAPPED "VISUALLY HANDICAPPED" means a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes those children who are PARTIALLY SIGHTED or BLIND. Oregon Administrative Rules, CH 581, Division 15 - Department of Education; p. 2 (1984).	The education program shall maintain pupil/teacher ratio at all unstructured levels that are functional in view of the purposes of the student groupings. Pupil/teacher ratio shall be of such a nature that all enrolled pupils will have access to individualized instruction. Oregon Administration Rules, CH 581, Division 15 - Department of Education; p. 19 (1984).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
PENNSYLVANIA	VISUALLY IMPAIRED A visual impairment, which adversely affects a person's educational performance. A person shall be assigned to a program for the visually impaired when the evaluation and Individualized Education Program indicate that such a program is appropriate, provided that the evaluation includes an examination by an eye specialist and a written report of the nature and degree of the visual impairment. Standards for Special Education, 22 PA. Code CH 341, Section 341.1 Definitions (b) 11 p. 5 (1977).	Itinerant		
		Elementary		15
		Secondary		50
		Resource Rooms		
		Elementary		5
		Secondary		15
		Part Time		
		Elementary		8
		Secondary		15
		Full Time		
		Elementary		5
		Secondary		12
		Standards for Special Education, 22PA. Code CH 341, Section 341.35 Approval of Plans, Constant Enrollment by Organizational Patterns; p. 14.		
RHODE ISLAND	BLIND AND PARTIALLY SIGHTED The BLIND and PARTIALLY SIGHTED: A child who exhibits visual impairment sufficiently severe to affect the child's ability to learn through the visual channel. BLIND children include those whose vision indicates a central visual acuity of 20/200 or less in the better eye after refraction, or whose peripheral field of vision subtends an angle no greater than 20 degrees. PARTIALLY SIGHTED children include those whose vision indicates a central visual acuity range from 20/70 to 20/200 in the better eye after refraction. Education for Handicapped Children, Regulations of the Board of Regents Governing the Special Education of Handicapped Children; pp. 3-4 (amended 1980).	Self-contained, Special Classes Part-time or full-time for mildly and moderately handicapped children, without a teacher's aide.		8
		Severely, profoundly and multi-handicapped class		
		With a full-time teacher's aide		6
		Without an aide		3
		Education for Handicapped Children, Regulations of the Board of Regents Governing the Special Education of Handicapped Children; p. 32 (amended 1980).		

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
TENNESSEE	VISUALLY HANDICAPPED i. A child who relies on senses other than sight to obtain information and requires adapted methods, materials, and equipment for learning is considered BLIND. ii. A child who has a visual acuity of 20/200 or less in the better eye after correction or a restricted field 20 degrees or less and who may or may not use sight as a channel for learning is considered to be LEGALLY BLIND. iii. A child who, after correction, requires adapted methods, materials, and/or equipment in order to use residual sight as a channel for learning is considered VISUALLY LIMITED. Rules, Regulations and Minimum Standards for the Governance of Public Schools in the State of Tennessee, CH 0520-1-3; pp. 82-83 (1982).	In grades kindergarten through 12, maximum membership of any class shall not exceed: (i) Kindergarten - 25 pupils (ii) Grades 1 through 3 - 25 pupils (iii) Grade 4 - 28 pupils (iv) Grades 5 through 6 - 30 pupils (v) Grades 7 through 12 - 35 pupils This regulation should not be interpreted to prohibit ungraded classes, team teaching, individualized instruction, or other such programs designed to meet student needs, if the teacher's weekly pupil load is compatible with the above regulation. Rules, Regulations and Minimum Standards for the Governance of Public Schools in the State of Tennessee, CH 0520-1-3; p. 45 (1982).		
UTAH	VISUALLY IMPAIRED (BLIND AND PARTIALLY SIGHTED) This category includes students having a visual handicap of such a degree that they are prevented from achieving success in the least restrictive environment without specialized instruction. The range of handicap varies from total blindness to mildly partially sighted. Program interventions may necessitate a self-contained class for the blind, a special resource room for the blind or visually handicapped, the services of an itinerant or resource teacher to help the child to succeed in assignments of the regular classroom, or the residential school for the blind. Rules and Regulations for Education Programs for the Handicapped. Utah State Office of Education; p. 53 (1981).	Resource room Rules and Regulations for Education Programs for the Handicapped. Utah State Office of Education; p. 20 (1981).		20
VERMONT	IMPAIRED VISION Pupils who have IMPAIRED VISION are more like other children than they are different. However, the visually handicapped child will usually require aids in order to learn efficiently and may benefit from supplementary or adapted educational services. Special Education and Pupil Personnel Services: Policies and Regulations of the Program for the Education of Handicapped Pupils; p. 43 (1975).	In determining an appropriate size or caseload, consideration shall be given to the unique educational requirements of the pupils who comprise the class roster or caseload. Adjustments shall be made to account for the nature and severity of the pupil's unique needs. Special Education Rules From the Vermont State Board of Education Manual of Rules and Practices; 2365.1.2, P. 6 (1982).		

STATE

HANDICAPPING CONDITION

STAFF TO STUDENT RATIO

WEST VIRGINIA

VISUALLY IMPAIRED

a. VISUALLY IMPAIRED students have a physical deficiency in a visual acuity or a visual field limitation where, even with use of lenses or corrective devices, the child requires modification of instructional methods and materials or supplementary assistance in order to function and learn. Pupils identified as visually impaired include those with organic impairments such that there is no vision, or visual limitations, which after best correction result in educational handicaps requiring special services and/or materials.

b. The term LEGALLY BLIND is defined for the purpose of these regulations as:

A person is legally blind if he has central visual acuity of 20/200 or less in the better eye with correction or visual field that subtends an angle of 20 degrees or less.

c. The term PARTIALLY SIGHTED will refer to any student who has a visual acuity greater than 20/200 with correction but less than 20/70 with correction.

West Virginia Department of Education, Office of Special Education Administration. Regulations for the Education of Exceptional Students; p. 81 (1983).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Regular Education Program		
With modification		20
Regular Education with Resource Services		10
One instructional period		5
Self-Contained		
Without full-time aide		4
With full-time aide		8

West Virginia Department of Education, Office of Special Education Administration. Regulations for the Education of Exceptional Students; p. 82 (1983).

WISCONSIN

VISUALLY HANDICAPPED

A visual handicap is determined by functional visual efficiency including visual fields, ocular motility, binocular vision and accommodation. A visual handicap is determined by medical examination, e.g., by an ophthalmologist or optometrist.

Rules Implementing Subchapter IV of CH 115, Wisconsin Statues, CH PI, PI 11.34 Eligibility (2) HANDICAPPING CONDITION (d) p. 123 (1981).

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Self-contained Complete		
Primary	5	7
Intermediate	5	7
Elementary Wide Range	5	7
Middle/Junior	5	9
Senior	5	9
Secondary Wide Range	5	11
Self-contained Modified		
Primary	5	9
Intermediate	5	9
Elementary Wide Range	5	8
Middle/Junior	5	10
Senior	5	11
Secondary Wide Range	5	11

Wisconsin Division for Handicapped Children, Bulletin No. 83.1 Minimum/Maximum Enrollment Criteria for 1983-84.

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO
WISCONSIN cont´d	VISUALLY HANDICAPPED	

WISCONSIN
cont´d

VISUALLY HANDICAPPED

A visual handicap is determined by functional visual efficiency including visual fields, ocular motility, binocular vision and accommodation. A visual handicap is determined by medical examination, e.g., by an ophthalmologist or optometrist.

Rules Implementing Subchapter IV of CH 115, Wisconsin Statues, CH PI, PI 11.34 Eligibility (2) HANDICAPPING CONDITION (d) p. 123 (1981).

STAFF TO STUDENT RATIO

Program Type	Class Size/Caseload Minimum	Class Size/Caseload Maximum
Self-contained Integrated		
Primary	7	10
Intermediate	7	10
Elementary Wide Range	7	9
Middle/Junior	7	11
Senior	7	12
Secondary Wide Range	7	12
Resource		
Elementary Wide Range	8	15
Secondary Wide Range	8	15
Itinerant		
Elementary Wide Range	8	12
Secondary Wide Range	8	12

MINIMUMS AND MAXIMUMS MAY BE NEGOTIATED BY CONTACTING THE APPROPRIATE DHC SUPERVISOR IN ADVANCE OF PROGRAM IMPLEMENTATION AND WITH JUSTIFIABLE RATIONALE.

Wisconsin Division for Handicapped Children, Bulletin No. 83.1 Minimum/Maximum Enrollment Criteria for 1983-84.

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Staff to Student Ratios:
Class Size/Caseload

VOLUME 1

VOLUME 1: SUPPLEMENT

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280

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TABLE OF CONTENTS

PAGE

I. INTRODUCTION 1

II. CHARTS: STAFF TO STUDENT RATIOS - CLASS SIZE/ CASELOAD BASED ON HANDICAPPING CONDITIONS

1. DEAF/HARD OF HEARING 5
2. MENTALLY RETARDED 19
3. MULTIHANDICAPPED 33
4. ORTHOPEDICALLY IMPAIRED AND OTHER HEALTH IMPAIRED 43
5. SERIOUSLY EMOTIONALLY DISTURBED 61
6. SPECIFIC LEARNING DISABILITY 75
7. SPEECH IMPAIRED 87
8. VISUALLY HANDICAPPED 101

III. STATE RULES, REGULATIONS AND GUIDELINES

1. Alaska
2. California
3. Hawaii
4. Kansas
5. Massachusetts
6. South Carolina
7. South Dakota
8. Texas
9. Virginia
10. Washington
11. Wyoming

INTRODUCTION

This document is a supplement to Staff to Student Ratios - Class Size/Caseload developed by the Great Lakes Area Regional Resource Center in 1986. It is intended to provide information regarding state rules and regulations for staff to student ratios for special education programs in those states not included in the original document. The information,in chart form, presents the state definition of the handicapping condition; eligibility criteria; age range; and personnel qualifications.

Interviews with state department of special education personnel and review of state rules, regulations, guidelines, and statutes for special education program indicates that eight (8) of the eleven (11) states identified in this document do not have specific staff to student ratios for class size and caseload. In those states, class size and caseload is based on instructional need as specified in the Individualized education program, rather than the pre-determined standards for special education programs for students with handicapping conditions.

The following states are referenced:

States having Specific Staff to Student Ratios

Hawaii
South Carolina
Virginia

States in which Staff to Student Ratios is Based on Individual Needs

Alaska
California
Kansas
Massachusetts
South Dakota
Texas
Washington
Wyoming.

1. DEAF/HARD OF HEARING

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
ALASKA	"DEAF" exhibits a hearing impairment which hinders the hinders child's ability to process linguistic information through hearing with or without amplification, which adversely affects educationally program. "HARD OF HEARING" exhibits a hearing impairment, whether permanent or fluctuating,which adversely affects educational but which is not within the meaning of "DEAF". Title IV, Education Regulations, Chapter 52, Education for Exceptional Children; 4 AAC 52.130 Eligibility (e) and (l) Register 101, (1987, pp/4-34.3-4.	Each district shall place the child after development or revision of an IEP in conformity with the IEP. Title IV, Education Regulations, Chapter 52 Education for Exceptional Exceptional Children, 4 AAC 52.150, Placement (a) (1987). p. 34.5.		
CALIFORNIA	"LOW INCIDENCE DISABILITY" means a severe handicapping condition with an expected incidence rate of less than one percent of the total staewide enrollment kindergarten through grade 12. For purposes of this defintion, severe handicapping conditions are hearing impairments, vision impairments, and severe orthopedic impairments, or any combination thereof. " SEVERELY HANDICAPPED" means individuals with exceptional needs who require intensive instruction and training in programs serving pupils with the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbances, severe mental and those individuals who would be eligibleor enrollment in a developmental center for handicapped pupils under Chapter 6. California Special Education Programs, A Composite of Laws, Education Code - Part 30 and Other Related Laws, Special Education Division, California State Department of Education (1988) Article 2. Definitions. 56020 and 56030.5 pp. 5-6.	Notwithstanding the provisions of Section 56364, pupil with low dence disabilities may receive all or a portion of their instruction in the regular classroom and may also be enrolled in special classes taught by appropriately credentialed teachers who serve these pupils at one or more school sites. The instruction shall be provided in manner which is consistent with the guidelines adopted pursuant to Section 56136 and in accordance with the individualized education program. (a) Designates instruction and services as specified in the individualized education program shall be available when the instruction and services are necessary for the pupil to benefit from his or her instructional program. California Special Education Programs, A Composite of Laws, Education Code - Part 30 and Other Related Laws, Special Education Division California State Department of Education, (1988) Article 4. Implementation, 56363 and 56364.1, pp. 42-44.		

HAWAII

"EXCEPTIONAL CHILDREN WHO ARE HANDICAPPED" or "HANDICAPPED CHILD" or "HANDICAPPED CHILDREN"or "CHILD" or "HANDICAPPED PERSON" means a person or persons physically present in the of the State, who will be at least three years of age during the school year and under twenty years of age on the first instructional day of the school year, and who are determined in accordance with state standards, to be eligible for special education and related services under the handicapping conditions of: mental retardation, hearing impairment, speech impairment, visual impairment, emotional handicap, orthopedic handicap, other health impairment, deaf-blindness, severe multiple handicaps, learning impairment or specific learning disabilities.

Provisions of a Free Appropriate Public Education for Exceptional Children Who Are Handicapped: Implementing Guidelines and Procedures, Office of Instructional Services/Special Instructional Programs & Services Branch, Department of Education, State of Hawaii (1986), Chapter 36, 8-36-2, Definitions., p. 4.

KANSAS

"HEARING IMPAIRMENT" means a loss of auditory functions sufficiently severe to affect the ability to communicate with others or to develop communicative or learning skills.

State Regulations for Special Education, (1988) Article 12 of Kansas Administrative Regulations, 91-12-22. Definitions. (l) p. 1.

Deaf

Full Time Self-Contained	5.2 (One full-time Ed. Asst.)
Integrated Self-Contained	3.3 (One full-time Ed Asst.)
Resource Services	2.6 (One full-time Ed. Asst.)
Itinerant and Support Services	2.0

Hard of Hearing (moderate)

Full Time Self Contained	3.3 (One full-time Ed. Asst.)
Integrated Self-Contained	2.6 (One full-time Ed. Asst.)
Resource Services	2.0
Itinerant and Support Services	1.4

Implementation Procedures for the Allocations of State-Funded Special Education Instructional Positions, Office of Instructional Services/Special Instructional Programs &Services Education Branch, Department of Education, State of Hawaii (1988) E. Rationale for SpecialEducation Staffing Weights. p. 5.

Class size and caseload limitations shall be established on an individual basis for any service delivery model used to provide services to children who are visually impaired,hearing impaired, physically impaired, other health impaired, or severely multiply handicapped.

State Regulations for Special Education, (1988) Article 12 of Kansas Administrative Regulations,91-12-25 Approval of Interrelated services units. p.5.

MASSACHUSETTS

"CHILD IN NEED OF SPECIAL EDUCATION" a child who has been determined by the Administrator of Special Education to need special education in accordance with the provisions of Sec. 322.2 (Evaluation:IEP) or has been referred to a program described in Sec. 502.7 (home or hospital program). Such determination or referral must be based upon a finding that a child, because of temporary or more permanent adjustment difficulties or attributes arising from intellectual, sensory, emotional or physical factors, cerebral dysfunctions, perceptual factors, or other specific learning impairments, or any combination, thereof, is unable to progress effectively in a regular education program and requires special program.

766 Regulations, Massachusetts Department of Education (1986) Chapter 1-Definitions, 130.0, p. 1.

When a children are removed from a regular class for services pursuant to Sec. 502.2 (a), the number of children in any one instruction group shall exceed the following limits and shall be less if theTEAM so recommends and the school committee approves such recommendations.

Eight children for each teacher or other qualified professionals.

Twelve children for each teacher or other qualified professionals where such teacher or professional is assisted by one aide.

766 Regulations, Massachusetts Department of Education, (1986), Chapter 5-Programs, 502.2 (b), 502.2 (b)(i), 502.2 (b)(ii) p. 58.

SOUTH CAROLINA

"HEARING HANDICAPPED" means pupils of age four or older who are certified by a licensed specialist that their hearing deficit requires special classes or specialized education instruction used to their needs.

The degree of hearing loss may range from mild to profound. The degree of loss in acuity may be a reliable indicator of the degree to which the individual is handicapped. An individual with a mild to moderate hearing loss (in acuity for loudness) may exhibit learning patterns more characteristic of severely handicapped individuals due to the loss in perception (understanding of what is heard).

Procedures for Survey, Screening, Evaluation, Placement, and Dismissal of Children Into/Out of Programs for the Handicapped (1978) South Carolina Department of Education, Hearing Handicapped. 1. Definitions. p. 31.

K-6 Special Education	
Self-Contained Classes	10: 1
Resource Room	15
Itinerant	15
Grade 7-8 Special Education	
Self-Contained Classes	12:1
Resource Room	15
Itinerant	15
Grade 9-12 Special Education	
Self-Contained Classes	12:1
Resource Room	15
Itinerant	15

Defined Minimum Program for South Carolina School Districts, (1980), South Carolina Department of Education, Teaching Load, pp. 23, 35, 53-54.

SOUTH DAKOTA	"MILDLY HANDICAPPED" those children who, through their individual educational program, can be served in regular educational program with modifications as designated in Sec. 24:05: 09:02 or for at least two-four hours of the school day in a regular educational program as designated in Sec. 24:05:09:03. "MODERATELY HANDICAPPED" those children who, through their individualized educational program, can be served for at least two-four hours of the school day in a regular educational program as designated in Sec. 24:05:09:03 or self-contained program as designated in Sec. 24:05:09:04. "SEVERELY TO PROFOUNDLY HANDICAPPED" those children who, through their individualized educational program, can be served in a self-contained program as designated in Sec. 24:05:09:04, day school program as designated in Sec. 24:05:09:05, or residential school program as designated in Sec. 24:05:09:06. South Dakota Department of Education, Article 24:05 Special Education, Chapter 24:05:01, Definitions (15), (16), (27), pp. 2, 3.	The local school district shall determine the number and age range of children requiring special education and related services assigned to a class such be such that the specifications of each child's individualized education program can be met. South Dakota Department of Education. (Not in manual).
TEXAS	"AUDITORIALLY HANDICAPPED" one who has been determined to have serious hearing loss even after corrective medical treatment or use of amplification. State Board of Education Rules for Handicapped Individualized education program can be met. Students, (1986), Clarification of Provisions in Federal Regulations and State Law, Title 19, Part II, Texas Administrative Code and Statutory Citations, Chapter 89, Subchapter G, Special Education, Handicapped Students. (c), p. 4.	The Individualized Education Program Committee shall determine the number and age range of children requiring special education and related services assigned to a class such that the specifications of each child's State Board of Education. (Not in manual).
VIRGINIA	"DEAF" means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.	Hearing Impaired or Deaf 10 w/aide 8 w/o aide

	"HARD OF HEARING" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under this definition of "deaf" in this section. Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia, Commonwealth of Virginia, Department of Education, Office of Special and Compensatory Education (1984), 2. Definitions of Handicapping Conditions. 300.5, (b), (d) p. 9.	Board of Education Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia (Sec. II, F, 1-2).
WASHINGTON	"DEAF" student are those students who have a documented hearing impairment which is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance. "HARD OF HEARING" students are those students who have hearing impairment, whether permanent or fluctuating, which adversely affects the student's educational performance. State of Washington, Rules and Regulations for Program Providing Services to Children with Handicapping Conditions, Chapter 392-171, Eligibility Criteria for Handicapped Students, WAC 392-171-436, Definition and eligibility criteria for deaf, WAC 392-171-441 Definition and eligibility criteria for hard of hearing, p. 22.	The Individualized Education Program Committee shall determine the number and age range of children requiring special education and related services assigned to a class such that the specifications of each child's Individualized education program can be met. State Board of Education. (Not in manual)
WYOMING	"DEAF" ...one whose hearing disability disability precludes successful processing of linguistic information through audition, with or without a hearing aid. "HARD OF HEARING" ...one who, generally with use of a hearing aid, has residual hearing sufficient to enable successful processing of linguistic information through audition.	The Individualized Education Program Committee shall determine the number and age range of children requiring special education and related services assigned to a class such that the specifications of each child's Individualized education program can be met. State Board of Education. (Not in manual)

Wyoming State of Education, Rules and Regulations Governing Services for Handicapped Children in Wyoming School Districts, (1986), Wyoming State Department of Education, Chapter VII, Program and Services for Handicapped Children in Wyoming School Districts, 5. Definitions., Sec. 46. Hearing Impairment:Definition, Eligibility Criteria and Assessment Standards., p. 32.

2. MENTALLY RETARDED

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
		Program Type	Class Size/Caseload Minimum	Maximum
ALASKA	"MENTALLY RETARDED" score two or more standard deviations below the national norm on an individual standardized test of intelligence, and exhibiting deficits in adaptive behavior manifested during the developmental period which adversely affects the child's educational performance. Title IV, Education Regulations, Chapter 52, Education for Exceptional Children; 4 AAC 52.130 Eligibility (b) Register 101 (1987) p. 4-34.3.	Each district shall place the child after the development or revision of an IEP in conformity with an IEP. Title IV, Education Regulations, Chapter 52, Education for Exceptional Children; 4 AAC 52.150 Placement (a) Register 101 (1987) p. 34.5.		
CALIFORNIA	"SEVERELY HANDICAPPED" means individuals with exceptional needs who require intensive instruction and training in programs serving pupils with the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbances, severe mental retardation, and those individuals who would have been eligible for enrollment in a development center for handicapped pupils under Chapter 6. California Special Education Programs, A Composite of Laws, Education Code - Part 30 and Other Related Laws, Special Education Division, California State Department of Education (1988) Article 2. Definition, 56030.5 pp. 5-6.	(a) Designated instruction and service as specified in the individualized education program shall be available when the instruction and services are necessary for the pupil to benefit educationally from his or her instructional program. California Special Education Programs, A Composite of Laws, Education Code - Part 30 and Other Related Laws, Special Education Division, California State Department of Education (1988) Article 4. Implementation, 56363. p. 42.		
HAWAII	"EXCEPTIONAL CHILDREN WHO ARE HANDICAPPED" or "HANDICAPPED CHILD" or "HANDICAPPED CHIL-REN" or "CHILD" or "HANDICAPED PERSON" means a PED PERSON" means a person or persons physically present in the State or a resident or residents of the State, who will be at least three years of age during the school year and under twenty years of age on the first instructional day of the school year, and who are determined in accordance with state	Mildly Mentally Retarded		
		Full Time Self-Contained	2.6 (One full-time Ed. Asst.)	
		Integrated Self-Contained	2.0	
		Resource Services	1.4	
		Itinerant and Support Services	1.0	

standards, to be eligible for special education and related services under the handicapping conditions of: mental retardation, hearing impairment, speech impairment, visual impairment, emotional handicap, orthopedic handicap, other health impairment, deaf-blindness, severe multiple handicaps, learning impairment or specific learning disabilities. ..

Provisions of a Free Appropriate Public Education for Exceptional Children Who Are Handicapped: Implementing Guidelines and Procedures, Office of Instructional Services/Special Instructional Programs & Services Branch, Department of Education State of Hawaii (1986), Chapter 36, 8-36-2, Definitions. p. 4.

Moderately Mentally Retarded

Full Time Self-Contained	3.3 (One full-time Ed. Asst.)
Integrated Self-Contained	2.6 (One full-time Ed. Asst.)
Resource Services	2.0
Itinerant and Support Services	1.4

Severely/Profoundly Mentally Retarded

Full Time Self-Contained	5.2 (One full-time Ed. Asst.)
Integrated Self-Contained	3.3 (One full-time Ed. Asst.)
Resource Services	2.0 (One full-time Ed. Asst.)
Itinerant and Support Services	2.0

Implementation Procedures for the Allocation of State-Funded Special Education Instructional Positions, Office of Instructional Service/Special Instructional Programs & Services Branch, State of Hawaii (1988) E. Rationale for Special Education Staffing Weights. p. 5.

KANSAS

"MENTAL RETARDATION" means significantly subaverage general intellectual functioning that exists concurrently with deficits in adaptive behavior that adversely affects educational performance and the ability to acquire the skills necessary for making decisions in actual life situations. Mental retardation is described in terms of dependency levels which are determined by the extent and type of support each retarded child needs to function in and to relate to the physical and social environment of the child. These dependency level are: (1) Semi-independent dependency level, which means: (A) Mild retardation and (B) possession of functional capabilities which can be developed to aid the individual interaction and decision-making and; (2) Semi-dependent level, which means: (A) Moderate retardation, according to the mental deficiency classification, and (B) the ability to achieve inde-

Itinerant		
ED/MR	15	18 (1 or more para.)
EMR/LD	18	24 (1 or more para.
BD/EMR/LD	18	24 (1 or more para.)
Resource		
BD/EMR	12	16 (1 or more para.)
EMR/LD	18	22 (1 or more para.)
EM/LD	18	22 (1 or more para.)
BD/EMR/LD	18	22 (1 or more para.) (No more than 10 at any one time)
Special Classroom		
BD/EMR	8	10 (1 or more para.)
EMR/LD	10	14 (1 or more para.)
BD/EMR/LD	10	14 (1 or more para)

	pendence in functional use of capabilities while accounting to an adult serving as an advocate. State Regulations for Special Education, (1988) State Board of Education, Article 12 of Kansas Administrative Regulations, 91-12-22. Definitions. (x). p. 1.	EMR/TMR 12 Primary 15 Intermediate 20 Secondary State Regulations for Special Education (1988)State Board of Education, Article 12 of Kansas Administrative Regulations, 91-12-25 Approval of Interrelated service units. (l). p. 5. (e) Except as otherwise provided in this subsection , the class size and caseload shall be the sameas that for the categorical area with the majority of students being served under the particular delivery model being used. If four or more students in a categorical are with more restrictive class size or caseload requirements are being served, the limitations for interrelated programs.
MASSA CHUSETTS	"CHILD IN NEED OF SPECIAL EDUCATION" a child who has been determined by the Administrator of Special Education to need special education in accordance with the provisions of Sec. 322.2 (Evaluation:IEP) or has been referred to a program described in Sec. 502.7 (home or hospital program).approves such recommendations. Such determination or referral must be based upon a finding that a child, because of temporary or more from intellectual, sensory, emotional or physical factors,cerebral dysfunctions, perceptual factors, or other specific learning impairments, or any combination, thereof, is unable to progress effectively in a regular education program and requires special education. 766 Regulations, Massachusetts Department of Education (1986) Chapter 1-Definitions. 130.0, p. 1.	When a children are removed from a regular class for services pursuant to Sec. 502.2 (a), the number children in any one instruction group shall exceed the following limits and shall be less if the TEAM so recommends and the school committee Eight children for each teacher or other qualified professional. Twelve children for each teacher or other qualified professional. where such teacher or professional is assisted by one aide. 766 Regulations, Massachusetts Department of Education, (1986), Chapter 5-Programs, 502.2 (b), 502.2 (b)(i), 502.2 (b)(ii), p. 58.
SOUTH CAROLINA	"EDUCABLE MENTALLY HANDICAPPED" means pupil of legal school age whose intellectual limitation require special classes or specialized instruction to make them economically useful and socially adjusted. "TRAINABLE MENTALLY HANDICAPPED" means pupil of legal school age whose mental capacity is below that of those considered educable, yet who may profit by a special type of training to the extent that they may become more nearly self-sufficient and less burdensome to others.	K-6 Special Education Self-Contained Classes EMH 15:1 TMH 12:1 Resource Room and Itinerant EMH 15 Grade 7-8 Special Education Self-Contained Classes EMH 18:1

"PROFOUNDLY MENTALLY HANDICAPPED" means pupil of legal school age whose mental capacity is below that of of those considered trainable mentally handicapped, yet may profit by a special type of education/training which includes self-help, motoric development, social and communicative skills inorder that they may become more self-sufficient.

Procedures for Survey, Screening, Evaluation, Placement, and Dismissal of Children Into/Out of Programs for the Handicapped, (1978), South Carolina Department of Education, pp. 18, 23, 26A.

TMH	15:1

Resource Room and Itinerant

EMH	33

Grade 9-12 Special Education
Self-Contained Classes

EMH	18:1
TMH	15.1

Resource Room and Itinerant

EMH	33

Defined Minimum Program for South Carolina School Carolina School Districts, (1980) South Carolina Department of Education, Teaching Load. pp. 22-23,35,53-54.

SOUTH DAKOTA

"MILDLY HANDICAPPED" those children who, through their individual educational program,can be served in regular educational programs with modifications as designated in Sec. 24:05:09:02 or for at least two-four hours of the school day in a regular educational program as designated in Sec. 24:05:09:03.

"MODERATELY HANDICAPPED" those children who, through their individualized educational program, can be served for at least two-four hours of the school day in a regular educational program as designated in Sec. 24:05: 09:03 or self-contained program as designated in Sec. 24:05:09:04.

"SEVERELY TO PROFOUNDLY HANDICAPPED" those children who, through their individualized educational program, can be served in a self-contained program as designated in Sec. 24:05:09:04, day school program as designated in Sec. 24:05:09:05, or residential school program as designated in Sec. 24:05:09:06.

South Dakota Department of Education, Article 24:05Special Education, Chapter 24:05:01 Definitions (15), (16), (27), pp. 2, 3.

The local school district shall determine the number and and age range of children requiring special education and related services assigned to a class such be such that the specifications of each child's individualized education program can be met.

South Dakota Department of Education.(Not in manual).

TEXAS	"MENTALLY RETARDED" one who has been determined by a licensed or certified psychologist,pyschological associate, or an educational diagnostician to be functioning two or more standard deviations below the mean on individually administered scales of verbal ability, per formance, or nonverbal ability, existing concurrently with deficits in adaptive behavior. State Board of Education Rules for Handicapped Students, (1986), Clarification of Provisions in Federal Regulations and State Law, Title 19, Part II, Texas Administrative Code and Statutory Citations, Chapter 89, Subchapter G, Special Education, Sec. 89.211 Handicapped Students. (I) p. 5 .	The Individualized Education Program Committee shall determine the number and age range of children requiring special education and related services assigned to a class such that the specifications of each child's Individualized education program can be met. *State Board of Education. (Not in manual).*
VIRGINIA	"MENTALLY RETARDED" means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects the child's educational performance. Board of Education of Regulations Governing Special Education for Handicapped Children and Youth in Virginia, Commonwealth of Virginia, Department of Education, (1984) Office of Special and Compensatory 2. Definitions of Handicapping Conditions. 300.5, (e) , p. 10.	EMR - Primary 11 w/aide 9 w/o aide EMR - Elementary 13 w/aide 10 w/o aide EMR - Jr. High NA 15 w/o aide EMR - Secondary NA 17 w/o aide TMR 10 w/aide 8 w/o aide Board of Education Regulations Governing Special Education for Handicapped Children and Youth in Virginia, (Section II), F, 1-2.
WASH INGTON	"MENTAL RETARDATION" students are those who demonstrate significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects their educational performance. State of Washington, Rules and Regulations for Programs Providing Services to Children With Handicapping Conditions, (1988), Chapter 392-171, WAC 392-171-421. Definition and eligibility criteria for mental retardation. p. 21.	The Individualized Education Program Committee shall determine the number and age range of children requiring special education and related services assigned to a class such that the specifications of each child's Individualized education program can be met. State Board of Education. (Not in manual)

WYOMING	"MENTAL RETARDATION" means significant sub-average general intellectual functioning existing concurrently with with deficits in adaptive behavior which are mainfested during the developmental period and impair educational performance. Wyoming State Board of Education, Rules and Regulations Governing Services for HandicappedChildren in Wyoming School Districts, (1986), Wyoming State Department of Education, Chapter VII, Programs and Services for Handicapped Children in Wyoming School Districts. 5. Definitions, Sec. 47. Mental Retardation: Definition, Eligibility Criteria and Assessment Standards., p. 34.	The Individualized Education Program Committee shall determine the number and age range of children requiring special education and related services assigned to a class such that the specifications of each child's Individualized education program can be met. State Board of Education. (Not in manual)

3. MULTIHANDICAPPED

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type	Class Size/Caseload Minimum	 Maximum
ALASKA	"MULTIHANDICAPPED" exhibits two or more handicapping conditions, the combination of which causes such severe educational problems that they cannot be accommodated in a special education program for only one of the conditions. Title IV, Education Regulations, Chapter 52,Education for Exceptional Children, 4 AAC 52.130 Eligibility ((l) Register 101 (1987) p. 34.5.	Each district shall place the child after the development or revision of an IEP in conformity with the IEP. Title IV, Education Regulations, Chapter 52, Education for Exceptional Children; 4 AAC 52.150 Placement (a) (1987) p. 34.5.		
CALIFORNIA	"LOW INCIDENCE DISABILITY" means a severe handicapping condition with an expected incidence rate of less than one percent of the total statewide enrollment in kindergarten through grade 12. For purposes of this definition, severe handicapping conditions hearing impairments, vision impairments, and severe orthopedic impairments, or any combination thereof. California Special Education Programs, A Composite of Laws, Education Code - Part 30 and Other Related Laws, Special Education Division, California State Department of Education (1988) Article 2. Laws, Definitions. 56026.5 p. 5.	Notwithstanding the provisions of Section 56364, pupil with low incidence disabilities may receive all or a portion of their instruction in the regular classroom and may also be enrolled in special classes taught by appropriately credentialed teachers who serve these pupils at one or more school sites. The instruction shall be provided in a manner which is consistent with the guidelines adopted pursuant to Section 56136 and in accordance with the individualized education program. California Special Education Programs, A Composite of Laws, Education Code - Part 30 and Other Related Laws, Special Education Division, California State Department of Education (1988) Article 4. Implementation. 56364.1 p. 43.		
	"SEVERELY HANDICAPPED" means individuals with exceptional needs who require intensive instruction and training in programs serving pupils with the following profound disabilities: autism,blindness, deafness, severe orthopedic impairments, serious emotional disturbances, mental retardation, and those who would have been eligible for enrollment in a development center for handicapped pupils under Chapter 6. California Special Education Programs, A Composite of Laws, Education Code - Part 30 and Other Related Laws, Special Education Division, California State Department of Education (1988) Article 2. Definitions. 56030.5 , p. 5.	(a) Designated instruction and services as specified in the individualized education program shall be available when the instruction and services are necessary for the pupil to benefit educationally from his or her instructional program. California Special Education Programs, A Composite of Laws, Education Code - Part 30 and Other Related Laws, Special Education Division, California State Department of Education (1988) Article 4. Implementation. 56363 p. 42.		

HAWAII	"EXCEPTIONAL CHILDREN WHO ARE HANDICAPPED" or "HANDICAPPED CHILD" or "HANDICAPPED PERSON" means a person or persons physically present in a State or a resident or residents of the State, who will be at least three years of age during the school year and under twenty years of age on the first instructional day of the school year, and who are determined in accordance with state standards, to be eligible for special education and related services under the handicapping conditions of: mental retardation, hearing impairment, speech impairment, visual impairment, emotional handicap, orthopedic handicap, other health impairment, deaf-blindness, severe mulitple handicaps, learning impairment or specific learning disabilities... Procedures of a Free Appropriate Public Education for Exceptional Children Who Are Handicapped: Implementing Guidelines and Procedures, Office of Instructional Services/Special Instructional Programs & Services Branch, Department of Education, State of Hawaii (1986), Chapter 36, 8-36-2, Definitions. p. 4.	Severely Multiply Handicapped Full-time Self-Contained 5.2 (One full-time Ed. Asst.) Integrated Self-Contained 3.3 (One full time Ed. Asst.) Resource Services 2.6 (One full time Ed. Asst.) Itinerant and Support Services 2.0 Implementation Procedures for the Allocation of State-Funded Special Education Instructional Positions, Office of Instructional Programs & Services Branch, Department of Education, State of of Hawaii, (1988) E. Rationale for Special Education Staffing Weights. p. 5.
KANSAS	"SEVERELY MULTIPLY HANDICAPPED" means severe to profound functional retardation in conjunction with severe sensory disabilities, motor disabilities, severe disturbance, chronic health conditions, or severe communication disorders. State Regulations for Special Education (1988) Article 12 of Kansas Administrative Regulations, 91-12-22. Definitions. (ll) p. 3.	Class size and caseload limitations shall be established on an individual basis for any service delivery model used to provide services to children who are visually impaired, hearing impaired, physically impaired, other health impaired, or severely multiply handicapped. State Regulations for Special Education, (1988) Article 12 of Kansas Administrative Regulations, 91-12-25 Approval of interrelated services units p. 5.
MASSA CHUSETTS	"CHILD IN NEED OF SPECIAL EDUCATION" a child who has been determined by the Administrator of Special Education to need special education in accordance with the provisions of Sec. 322.2 (Evaluation: IEP) or has been referred to a program described in Sec. 502.7 (home or hospital program). Such determination or referral must be based upon a finding that a child, because of temporary or more permanent adjustment difficulties or attributes arising from intellectual, sensory, emotional or physical factors, cerebral dysfunctions, perceptual factors, or other	When a children are removed from a regular class for services pursuant to Sec. 502.2 (a), the number of children in any one instruction group shall exceed the following limits and shall be less if the TEAM so recommends and the school committee such recommendations. Eight children for each teacher or other qualified professional. Twelve children for each teacher or other qualified professional. where such teacher or professional is assisted by one aide.

	specific learning impairments, or any combination thereof, is unable to progress effectively in a regular education program and requires special education. 766 Regulations, Massachusetts Department of Education (1986) Chapter 1-Definitions. 130.0, p. 1.	766 Regulations, Massachusetts Department of Education, (1986), Chapter 5-Programs, 502.2 (b), 502.2 (b)(i), 502.2 (b)(ii) p. 58.
SOUTH DAKOTA	"MILDLY HANDICAPPED" those children who, through individual educational program, can be served in can be served in regular educational program with modifications as designated in Sec. 24:05:09:02 or for at least two-four hours of the school day in a regular education program as designated in Sec. 24:05:09:03. "MODERATELY HANDICAPPED" those children who, through their individualized educational program, can be served for at least two-four hours of the school day in a regular educational program as designated in Sec. 24:05: 09:03 or self-contained program as designated in Sec. 24:05:09:04. "SEVERELY TO PROFOUNDLY HANDICAPPED" those children who, through their individualized educational program, can be served in a self-contained program as designated in Sec. 24:05:09:04, day school program as designated in Sec. 24:05:09:05, or residential school program as designated in Sec. 24:05:09:06. South Dakota Department of Education, Article 24:05 Special Education, Chapter 24:05:01 Definitions.(15), (16), (27), pp. 2, 3.	The local school district shall determine the number and and age range of children requiring special education and related services assigned to a class such be such that the specifications of each child's individualized education program can be met. South Dakota Department of Education.(Not in manual).
TEXAS	"MULTIPLY HANDICAPPED" a student who has a combination of handicaps in this section and who meets all the following conditions: (A) ...handicapping is expected to continue indefinitely; (B)..disabilities require comprehensive instruction and related services in programs for the severely handicapped, (C) the disabilities severely impaired performance in all the following areas: (i) psycho-motor skills; ii) self-care skills; (iii) communication,; (iv) social and emotional development; and (v) cognition. State Board of Education Rules for Handicapped Students, (1986), Clarification of Provisions in Federal Regulations	The Individualized Education Program Committee shall determine the number and age range of children requiring special education and related services assigned to a class such that the specifications of each child's individualized education program can be met. State Board of Education. (Not in manual).

	and State Law, Title 19,Part II, Texas Administrative Code and Statutory Citations, Chapter 89, Subchapter G, Special Education, Sec. 89.211, Handicapped Students. (c), p. 7.		
VIRGINIA	"MULTIHANDICAPPED" means concomitant impairment (such as mentally retarded-blind, mentally retarded-orthopedically impaired, etc),the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children. Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia, Commonwealth of Virginia, Department of Education, Office of Special and Compensatory Education (1984), 2. Definitions of Handicapping Conditions. 300.5, (e)., p. 10.	Multihandicapped Board of Education Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia (Sec. II, F, 1-2).	8 w/aide 6 w/o aide
WASH INGTON	"MULTIHANDICAPPED" when there are present and documented two or more handicapping conditions, each of which is so severe as to warrant a special program where that handicapping condition appears in isolation, and the combination of which causes such severe educational problems that the student requires intensive programming cannot be accomdated in special education programs solely for one of the impairments. Students who are deaf-blind are not included as multihandicapped. State of Washington, Rules and Regulations for Programs Providing Services to Children with Handicapping Conditions, Chapter 392-171, Eligibility Criteria for Handicapped Students, WAC 392-171-431, Definition and eligibility criteria for multi-handicapped. p. 22.	The Individualized Education Program Committee shall determine the number and age range of children requiring special education and related services assigned to a class such that the specifications of each child's individualized education program can be met. State Board of Education. (Not in manual)	

4. ORTHOPEDICALLY IMPAIRED & OTHER HEALTH IMPAIRED

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO
		Program Type Class Size/Caseload Minimum Maximum
ALASKA	"ORTHOPEDICALLY IMPAIRED" exhibits a severe orthopedic impairment, including impairments caused by congenital anomaly, disease, or other causes, which adversely affects educational performance. "OTHER HEALTH IMPAIRED" exhibits an autistic condition which is manifested by severe communication and other developmental and educational problems, or exhibits limited strength, vitality, or alertness due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects educational performance. Title IV, Education Regulations, Chapter 52,Education for Exceptional Children, 4 AAC 52.130 Eligibility (h) and (k), Register 101 (1987) pp. 34.4-5.	Each district shall place a child after development or revision of an IEP in conformity with the IEP. Title IV, Education Regulations, Chapter 52, Education for Exceptional Children, 4 AAC 52.150 Placement (a) Register 101 (1987) p. 34.5.
CALIFORNIA	"LOW INCIDENCE DISABILITY" means a severe handicapping condition with an expected incidence rate of less than one percent of the total statewide enrollment in kindergarten through grade 12. For the purposes of this - definition, severe handicapping conditions are hearing impairments, vision impairments, and severe orthopedic impairments, any combinations, thereof. California Special Education Programs, A Composite of Laws, Education Code - Part 30 and Other Related Laws, Special Education Division, California State Department of Education, (1988) Article 2. Definitions. 56026.5, p. 5.	Notwithstanding the provisions of Section 56364, pupils with low incidence disabilities may receive all or a portion of their instruction in the regular classroom and may also be enrolled in special classes taught by appropriately credentialed teachers who serve these pupils at one or more school sites. The instruction shall be provided in a manner which is consistent with the guidelines adopted ppursuant to 56136 and in accordance with the individualized education program. California Special Education Programs, Composite of Laws, Education Code - Part 30 and Other Related Laws, Special Education Division, California State Department of Education (1988) Article 4. Implementation. 56364.1, pp. 43-44.
	"SEVERELY HANDICAPPED" means individuals with exceptional needs who require intensive instruction and training in programs serving pupils with the following profound disabilities: autism, blindness, deafness,	(a) Designated instruction and services as specified in the individualized education program shall be available when the instruction and services are necessary for the pupil to benefit educationally from his or her instructional program.

severe orthopedic impairments, serious emotional disturbances, severemental retardation, and those individuals who would have been eligible for enrollment in a development center for handicapped under Chapter 6.

California Special Education Programs, A Composite of Laws, Education Code - Part 30 and Other Related Laws, Special Education Division, California State Department of Education (1988) Article 2. Definitions 56030.5, p. 5.

California Special Education Programs, A Composite ofLaws, Education Code - Part 30 and Other Related Laws, Special Education Division, California State Department of Education (1988) Article 4. Implementation, 56363, p. 42.

HAWAII

"EXCEPTIONAL CHILDREN WHO ARE HANDICAPPED" or HANDICAPPED CHILD" or "HANDICAPPED CHILDREN or "CHILD" or "HANDICAPPED PERSON" means a person or persons physically present in the State or a resident or residentsof the State, who will be at least three year of age during the school year and under twenty years of age on the first instructional day of the school year, and who are determined in accordance with state standards to be eligible for special education and related services under the handicapping conditions of: related services, hearing impairment, speech impairment, visual impairment, emotional handicap, orthopedic handicap, other health impairment, deaf-blindness, severe mulitple handicaps, learning impairment or specifc learning disabilities...

Provisions of a Free Appropriate Public Education for Exceptional Children Who Are Handicapped: Implementing Guidelines and Procedures, Office of Instructional Services/ Special Instructional Programs & Services Branch, Department of Education, State of Hawaii, (1986), Chapter 36, 8-36-2 , p.4.

Orthopedically Handicapped

Full-time Self-Contained	3.3 (One full time Ed. Asst.)
Itinerant Self-Contained	2.6 (One full time Ed. Asst.)
Resource Services	2.0
Itinerant and Support Services	1.4

Implementation Procedures for the Allocation of State-Funded Special Education Instructional Positions, Office of Instructional Services/Special Instructional Programs & Services Branch, Department of Education, State of Hawaii, (1988) E. Rationale for Special Education Staffing Weights, p. 5.

KANSAS

"PHYSICALLY IMPAIRED" means a physical disability of such severity as to affect educational performance.

"OTHER HEALTH IMPAIRED" means limited strength, vitality, or alertness that interferes with participation in educational experiences.

Class size and caseload limitations shall be established on an individual basis for any service delivery model used to provide services to children who are visually impaired, hearing impaired, physically impaired, other health impaired, or severely multiply handicapped.

	State Regulations for Special Education (1988) State Board of Education, Article 12 of Kansas Administrative Regulations, 91-12-22. Definitions. (aa) and (y) p. 2.	State Regulations for Special Education, (1988) State Board of Education, Article 12 of Kansas Administrative Regulations, 91-12-25. Approval of interrelated services units. (d) p. 5.
MASSA CHUSETTS	"CHILD IN NEED OF SPECIAL EDUCATION" a child who has been determined by the Administrator of Special Education to need special education in accordance with the provisions of Sec. 322.2 (Evaluation:IEP) or has been referred to a program described in Sec. 502.7 (home or hospital program). Such determination or referral must be based upon a finding that a child, because of temporary or more permanent adjustment difficulties or attributes arising from intellectual, sensory, emotional or physical factors, cerebral dysfunctions, perceptual factors, or other specific learning impairments, or any combination thereof, is unable to progress effectively in a regular education program and requires special education. 766 Regulations, Massachusetts Department of Education (1986) Chapter 1-Definitions, 130.0, p. 1.	When a children are removed from a regular class for services pursuant to Sec. 502.2 (a), the number of children in any one instruction group shall exceed the following limits and shall be less if the TEAM so recommends and the school committee approves such recommendations. Eight children for each teacher or other qualified professional. Twelve children for each teacher or other qualified professional where such teacher or professional is assisted by one aide. 766 Regulations, Massachusetts Department of Education, (1986), Chapter 5 - Programs, 502.2 (b), 502. (b(i), 502.2 (b) (ii) p. 58:
SOUTH CAROLINA	"ORTHOPEDICALLY HANDICAPPED" means pupils of legal school age who have an impairment which interferes with the normal functions of the bones, joints, or musclesto such an extent and degree as to require the schoolto require the school to provide special facilities and instructional programs. "PHYSICALLY HANDICAPPED" means pupils of legal school age who suffer from any disability making it impracticable or impossible for them to benefit from or participate in the normal classroom program of the public schools. Procedures for Survey, Screening, Evaluation, of Placement and Dismissal of Children Into/Out of Programs for the Handicapped, (1978) South Carolina Department of Education, Definition, p. 35.	K-6 Special Education Ortho. Hand. Self-Contained Classes 12:1 Resource Room and Itinerant 20 Grade 7-8 Special Education Self- Contained Classes 18.1 Resource Room and Itinerant 20 Grade 9-12 Special Education Self-Contained Classes 15.1 Resource Room and Itinerant 2.0 When a resource room and itinerant teacher models serve pupils with differing handicapping conditions, the maximum caseload shall be determined by the majority of the pupils in membership in an area of handicapping conditions.

		Defined Minimum Program for South Carolina School Districts, 1980) South Carolina Department of Education, Teacher Load pp. 22-23. 35, 53-54.
SOUTH DAKOTA	"MILDLY HANDICAPPED" those children who, through their individual educational program, can be served in regular educational program with modifications as designated in Sec. 24:05:09:02 or for at least two-four hours of the school day in a regular educational program as designatedin Sec. 24:05:09:03. "MODERATELY HANDICAPPED" those children who, through their individualized educational program, can be served for at least two-four hoursof the school day in a regular educational program as designated in Sec. 24:05: 09:03 or self-contained program as designated in Sec. 24:05:09:04. "SEVERELY TO PROFOUNDLY HANDICAPPED" those children who, through their individualized educational program, can be served in a self-contained program as designated in Sec. 24:05:09:04, day school program as designated in Sec. 24:05:09:05, or residential school program as designated in Sec. 24:05:09:06. South Dakota Department of Education, Article 24:05 Special Education, Chapter 24:05:01 Definitions (15), (16), (27), pp. 2, 3.	The local school district shall determine the number and age range of children requiring special education and related services assigned to a class such be such that the specifications of each child's individualized education program can be met. South Dakota Department t of Education.
TEXAS	"PHYSICALLY HANDICAPPED" students shall include the following: (1) "ORTHOPEDICALLY HANDICAPPED"...has been determined by a licensed physician to have a severe orthopedic impairment. (2) "OTHER HEALTH IMPAIRED"...has been determined by a licensed physician to have limited strength, vitality, or alertness due to chronic or acute health problems.	The Individualized Education Program Committee shall determine the number and age range of children requiring special education and related services assigned to a class such that the specifications of each child's individualized education program can be met. State Board of Education. (Not in manual).

State Board of Education Rules for Handicapped Students, (1986), Clarification of Provisions in Federal Regulations and State Law, Title 19, Part II, Texas Administrative Code and Statutory Citations, Chapter 89, So. 89.211 Handicapped Students. (b), p. 4.

VIRGINIA

"ORTHOPEDICALLY IMPAIRED" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomly (e.g. clubfoot, absence of some member, etc.) impairments caused by disease,(e.g. poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g. cerebral palsy, amputations, and fractures or burns which causes contractures).

"OTHER HEALTH IMPAIRED" means having limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilesy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance.

Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia, (1984), Commonwealth of Virginia, Department of Education Office of Special and Compensatory Education, (A) (2) Definitions of Handicapping Conditions.(g), (h) p. 10.

Orthopedically Impaired	
Self-Contained Programs	10 w/aide 8 w/o aide
Resource Programs	20
Secondary Special Education Programs	
Caseload	24 (Total IEPs teacher is responsible for)
Class Period	10 (Teaching more than one subject area)
Class Period	14 (Teaching one subject course to all students)
Other Health Impaired	
Self-Contained Programs	10 w/ aide 8 w/o aide
Resource Programs	20
Secondary Special Education Programs	
Caseload	24 (Total IEPs teacher is responsible for)
Class Period	10 (Teaching more than one subject area)
Class Period	14 (Teaching one subjec area to all students)

Board of Education Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia, (Sec. II, F, (1-2).

		Defined Minimum Program for South Carolina School Districts, 1980) South Carolina Department of Education, Teacher Load pp. 22-23. 35, 53-54.
SOUTH DAKOTA	"MILDLY HANDICAPPED" those children who, through their individual educational program, can be served in regular educational program with modifications as designated in Sec. 24:05:09:02 or for at least two-four hours of the school day in a regular educational program as designatedin Sec. 24:05:09:03. "MODERATELY HANDICAPPED" those children who, through their individualized educational program, can be served for at least two-four hoursof the school day in a regular educational program as designated in Sec. 24:05: 09:03 or self-contained program as designated in Sec. 24:05:09:04. "SEVERELY TO PROFOUNDLY HANDICAPPED" those children who, through their individualized educational program, can be served in a self-contained program as designated in Sec. 24:05:09:04, day school program as designated in Sec. 24:05:09:05, or residential school program as designated in Sec. 24:05:09:06. South Dakota Department of Education, Article 24:05 Special Education, Chapter 24:05:01 Definitions.(15), (16), (27), pp. 2, 3.	The local school district shall determine the number and age range of children requiring special education and related services assigned to a class such be such that the specifications of each child's individualized education program can be met. South Dakota Department t of Education.
TEXAS	"PHYSICALLY HANDICAPPED" students shall include the following: (1) "ORTHOPEDICALLY HANDICAPPED"...has been determined by a licensed physician to have a severe orthopedic impairment. (2) "OTHER HEALTH IMPAIRED"...has been determined by a licensed physician to have limited strength, vitality, or alertness due to chronic or acute health problems.	The Individualized Education Program Committee shall determine the number and age range of children requiring special education and related services assigned to a class such that the specifications of each child's individualized education program can be met. State Board of Education. (Not in manual).

WASH INGTON	"ORTHOPEDICALLY IMPAIRED" student are those who lack normal functionol muscles, joints or bones due to congenital anomaly, disease or permanent injury, and such condition adversely affects their educational performance. "HEALTH IMPAIRED" students are those who have chronic or acute health problems--such as students with serious congenital heart defect, other congenital symdrome(s), other disorders of cardiorespiratory systems, disorders of the central nervous system including epilepsey or neurological impairment, autism or other profound health cicumstances or degenerative condition(s)--which adversely affect or with a high degree of professional certainty will affect theri educational performance. State of Washington, Rules and Regulations for Programs Providing Services to Children with Handicapping Conditions, Chapter 392-171, Eligibility Criteria for Handicapped Students, WAC 392-171-396, Definition and eligibility criteria for orthopedically impaired. WAC 392-171-401 Definition and eligibility criteria for health impaired. p. 19	The Individualized Education Program Committee shall determine the number and age range of children requiring special education and related services assigned to a class such that the specifications of each child's IEP can be met. State Board of Education. (Not in manual).
WYOMING	"ORTHOPEDIC IMPAIRMENT" means congenital or acquired impairment to the orthopedic system (e.g., bone, joint or muscle) which impairs educational performance to the degree that theschool facilitiesor equipment require special adaptation and modification,or the pupil requires special education and/or related services. The term inludes impairments caused by congenital anomaly (e.g., clubfoot, absense of some member, etc,) impairments caused by disease (e.g., poliomyelitis, bone tuberulosis, etc.,) and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).	The Individualized Education Program Committee shall determine the number and age range of children requiring special education and related services assigned to a class such that the specifications of each child's Individualized education program can be met. State Board of Education. (Not in manual).

"OTHER HEALTH IMPAIRMENT" means either having an autistic condition which is manifested by severe communication and other developmental and educational problems or having limited strength, vitality, or alertness due to chronic or acute health problems (such as a heart condition, tuberulosis, rhematic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, leukemia, or diabetes) which significantly impair educational perfromance.

Wyoming State of Education, Rules and Regulations Governing Services for Handicapped Children in Wyoming School Districts, (1986), Wyoming State Department of Education, Chapter VII, Program and Services for Handicapped Children in Wyoming School Districts, 5. Definitions., Sec. 46. Hearing Impairment: Definition, Eligibility Criteria and Assessment Standards., and Other Health Impairment: Definition, Eligibility Criteria and Assessment Standards., pp. 35-36.

5. SERIOUSLY EMOTIONALLY DISTURBED

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
ALASKA	"SERIOUSLY EMOTIONALLY HANDICAPPED"...a child with a severe condition exhibited over a long period of time to a marked degree, which adversely affects educational performance and is characterized by one or more of the following: a) an inability to learn which cannot be explained by intellectual, sensory, or health factors (including children who are autistic); b) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; c) an inappropriate type(s) of behavior or feelings under circumstances (does not include children who are only socially maladjusted); d) a general pervasive mood of unhappiness or depression; e) a tendency to develop physical symptoms or fear associated with personal or school problem. 34 CFR 300.5(b)(8).	Each district shall place the child after the development or revision of an IEP with conformity with the IEP. Title IV, Education Regulations, Chapter 52, Education for Exceptional Children, 4 AAC 52.150 Placement. (a) Register 101 p. 4-34.5.		
CALIFORNIA	"SEVERELY HANDICAPPED" means individuals with exceptional needs who require intensive instruction and training in programs serving pupils with the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbances, severe mental retardation, and those individuals who would have been eligible for enrollment in a development center for handicapped pupils under Chapter 6. California Special Education Programs, A Composite of Laws, Education Code - Part 30 and Other Related Laws, Special Education Division, California State Department of Education, Article 2. Definitions. 56030 pp. 5-6.	(a) Designated instruction and services as specified in the individualized education program shall be available when the instruction and services are necessary for the pupil to benefit educationally from his or her instructional program. California Special Education Programs, A Composite of Laws, Education Code - Part 30 and Other Related Laws, Special Education Division, California State Department of Education, Article 4. Implementation. 56363. p. 42.		
HAWAII	"EXCEPTIONAL CHILDREN WHO ARE HANDICAPPED" or "HANDICAPPED CHILD" or "HANDICAPPED CHILDREN" or "CHILD" or "HANDICAPPED PERSON" means a person or persons physically present in the State or a resident or residents of the State, who will be at least	Emotionally Handicapped		
		Full Time Self-Contained		5.2 (One full-time Ed. Asst.)
		Integrated Self-Contained		3.3 (One full-time Ed. Asst.)

three years of age during the school year and under twenty years of on the first instructional day of the school year, and who are determined inaccordance with state standardss, to be eligible for special education and related services under the handicapping conditions of: mental retardation, hearing impairment, speech impairment, visual imapirment, emotional handicap, orthopedic handicap, other health impairment, deaf-blindness, severe multiple handicaps, learning impairment or specific learning disabilities...

Porvisions of Free Appropriate Public Education for Exceptional Children Who Are Handicapped: Implementing Guidelines and Procedures, Office of Instructional Services/Special Instructional, Programs & Services Branch, Department of Education, State of Hawaii, (1986), Chapter 36, 8-36-2, Definitions., p. 4.

KANSAS

"BEHAVIOR DISORDER" means a condition with one or more behavioral characteristics that are: (1) exhibited at either a much higher or much lower rate that is appropriate for one's age; (2) documented as occurring over an extended period of time in different environmental settings within the school, a home community; and (3) interfering consistently with the student's educational performance. This interference with educational performance shall not be a result of intellectual, sensory, cultural or health factors that have not received appropriate attention. .

State Regulations for Special Education (1986), State Board of Education, Article 12 of Knasa Administrative Regulations, 91-12-22 Definitions.(c). p. 1.

Resource Services	2.6(One full-time Ed. Asst.)
Itinerant and Support Services	2.0

Implementation Procedures for the Allocation of State-Funded Special Education Instructional Positions, Office of Instructional Service/Special Instructional Programs & Services Branch, Department of Education, State of Hawaii. (1988). E. Rationale for Special Education Staffing Weights. p. 5.

Itinerant		
BD/EMR	15	18 (1 or more para.)
BD/LD	18	24 (1 or more Para.)
BD/EMR/LD	18	24 (1 or more para.)
Resource		
BD/EMR	12	16 (1 or more para.)
BD/LD	18	22 (1 or more para>0
BD/EMR/LD	18	22 (1 or more para.) (Not more than 10 at any one time)
Special Class		
BD/EMR	8	10
BD/EMR/LD	10	14 (1 or more para.)

State Regulations for Special Education (1988) State Board of Education, Article 12 of Kansas Administrative Regulations. 91-12-25. Approval of interrelated service units. (f) p. 5.

(e) Except as otherwise provided in this subsection, the class size and caseload shall be the same as that for the categorical area with the majority of students being served under the particular delivery model being used. If four or more students in a

MASSACHUSETTS "CHILD IN NEED OF SPECIAL EDUCATION" a child who has been determined by the Administrator of Special Education to need special education in accordance with the provisions of Sec. 322.2 (Evaluation:IEP) or has been referred to a program described in Sec. 502.7 (home or hospital program). Such determination or referral must be based upon a finding that a child, because of temporary or more permanent adjustment difficulties or attributes arising from intellectual, sensory, emotional or physical factors, cerebral dysfunctions, perceptual factors, or other specific learning impairments, or any combination thereof, is unable to progress effectively in a regular education program and requires special education.

766 Regulations, Massachusetts Department of Education (1986) Chapter 1-Definitions, 130.0, p. 1.

SOUTH CAROLINA "EMOTIONALLY HANDICAPPED" means pupils of legal school age with demonstrably adequate intellectual potential,who because of emotional,motivational, or social disturbance require special classes or specialized instruction suited to their needs.

Procedures for Survey, Screening, Evaluation, Placement and Dismissal of Children Into/Out Programs for the Handicapped, (1978) South Carolina Department of Education, Definition, p. 56.

categorical are with more restrictive class size or caseload requirements are being used, the more restrictive requirements shall apply. The maximum limitations for interrelated programs.

When a children are removed from a regular class for services pursuant to Sec. 502.2 (a), the number of children in any one instruction group shall exceed the following limits and shall be less if the TEAM so recommends and the school committee approves such recommendations.

Eight children for each teacher or other qualified professional

Twelve children for each teacher or other qualified professional where such teacher or professional is assisted by one aide.

766 Regulations, Massachusetts Department of Education, (1986), Chapter 5-Programs, 502.2 (b), 502.2 (b)(i), 502.2 (b)(ii) p. 58.

K-6 Special Education	
Self-Contained Classes	12:1
Resource Room and Itinerant	33
Grade 7-8 Special Education	
Self-Contained Classes	15:1
Resource Room and Itinerant	33
Grade 9-12 Special Education	
Self-Contained Classes	15:1
Resource Room and Itinerant	33

Defined Minimum Program for South Carolina School Districts (1980), South Carolina Department of Education, Teacher Load, pp. 22-23, 35, 53-54.

SOUTH DAKOTA	"MILDLY HANDICAPPED" those children who, through their individual educational program, can be served in regular educational program with modifications as designated in Sec. 24:05:09:02 or for at least two-four hours of the school day in a regular educational program as designated in Sec. 24:05:09:03. "MODERATELY HANDICAPPED" those children who, through their individualized educational program, can be served for at least two-four hours of the school day in a regular educational program as designated in Sec. 24:05:09:03 or self-contained program as designated in Sec. 24:05:09:04. "SEVERELY TO PROFOUNDLY HANDICAPPED" those children who, through their individualized educational program, can be served in a self-contained program as designated in Sec. 24:05:09:04, day school program as designated in Sec. 24:05:09:05, or residential school program as designated in Sec. 24:05:09:06. South Dakota Department of Education, Article 24:05 Special Education, Chapter 24:05:01 Definitions. (15), (16), (27), pp. 2, 3.	The local school district shall determine the number and age range of children requiring special education and related services assigned to a class such be such that the specifications of each child's individualized education program can be met. South Dakota Department of Education. (Not in manual.)
TEXAS	"EMOTIONALLY DISTURBED" ...has been evaluated by a licensed or certified psychologist or psychiatrist, or by a psychological associate under the direct supervision of a licensed or certified psychologists, and determined to be seriously emotionally disturbed, as defined in federal regulations and state law. State Board of Education Rules for Handicapped Students, (1986), Clarification of Provisions in Federal Regulations and State Law, Sec. 89.211 Handicapped Students. (g), p. 5.	The Individualized Education Program Committee shall determine the number and age range of children requiring special education and related services assigned to a class such that the specifications of each child's individualized education program can be met. State Board of Education. (Not in manual).
VIRGINIA	"SERIOUSLY EMOTIONALLY DISTURBED" is defined as follows: (1) The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree which adversely affects educational performance: (a) an ability	Seriously Emotionally Disturbed Self-Contained Programs 10 w/aide 8 w/o aide Resource Programs 24

	to learn by intellectual, sensory, or health factors; (b) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; (c) In appropriate types of behavior or feelings under normal circumstances; (d) a general pervasive mood of unhappiness or depression; or (e) a tendency to develop physical symptoms or fears associated with personal or school problems. (2) The term includes children who are schizophrenic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed. Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia, (1984), Commonwealth of Virginia, Department of Education, Office of Special and Compensatory Education, (A) (2). Definitions of Handicapping Conditions. 300.5, (i), p. 11.	Board of Education Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia (Sec. II, F, 1-2)
WASHINGTON	"SERIOUSLY BEHAVIORALLY DISABLED" students who exhibit one or more of the following characteristics over a long period of time and to a marked degree, whichadversely affects their own educational perfromance: (a) An inability to learn which cannot be explained by intellectual, sensory, or health factors; (b) An inability to build or maintain satisfactory interpersonal relationships with pweers and teachers; (c) Inappropriate types of behaviors or fellings under normal circumstances; (d) a general mood of unhappiness or depression; or (e) a tenddency to develop physical symptioms, pain, or fears associated with personal or school problems. (2) The term includes schizophrenia. The term does not includes children who are socially maladjusted, unless it is determined that they are seriously behaviorally disabled. Students whose primary disability is identified in another handicapping category do not qualify as seriously behaviorally disabled. State of Washington, Rules and Regulations for Programs Providing Services to Children with Handicapping Conditions, Chapter 392-171, Eligibility Criteria for Handicapped Students, WAC 392-171-386 Definition and eligibility criteria for seriously behaviorally disabled. p. 18.	The Individualized Education Program Committee shall determine the number and age range of children requiring special education and related services assigned to a class such that the specifications of each child's individualized education program can be met. State Board of Education. (Not in manual)

WYOMING	"SERIOUSLY EMOTIONAL DISABILITY" is defined as follows: Patterns of behavior exhibited over an extended period of time and to a significant degree which impair educational perfromance: (A) an inability to learn that cannot be expalined by intellectual, sensory, or health factors; (B) an inability to build or maintain satisfcatory interpresonal relationships with peers and teachers; (C) inappropriate types of behaviors or fellings under normal circumstances; (D) a general mood of unhappiness or depression; or (E) a tenddency to develop physical symptioms, pain, or fears associated with personal or school problems. The term includes schizophrenia. The term does not includes children who are socially maladjusted unless it is determined that they are seriously emotionally disturbed. The term does not include autism. Wyoming State of Education, Rules and Regulations Governing Services for Handicapped Children in Wyoming School Districts, (1986), Wyoming State Department of Education, Chapter VII, Program and Services for Handicapped Children in Wyoming School Districts, 5. Definitions., Sec. 50. Seriously Emotional Disturbance: Definition, Eligibility Criteria and Assessment Standards., p.36.	The Individualized Education Program Committee shall determine the number and age range of children requiring special education and related services assigned to a class such that the specifications of each child's Individualized education program can be met. State Board of Education. (Not in manual)

6. SPECIFIC LEARNING DISABILITY

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO		
			Class Size/Caseload	
		Program Type	Minimum	Maximum
ALASKA	" SERIOUSLY LEARNING DISABILITY" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write or spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction dyslexia, and developmental aphasia. This term does not include learning problems which are primarily the result of visual, hearing, or motor handicaps; of mental retardation; of emotional disturbance; or of environmental, cultural, or economic disadvantage. 34 CRF	Each district shall place the child after the development or revision of an IEP in conformity with the IEP. Title IV, Education Regulations, Chapter 52 Education for Exceptional Children, 4 AAC 52.150 Placement. (a) Register 101, p. 4-34.5.		
CALIFORNIA	"SPECIFIC LEARNING DISABILITY" when it is determined that all of the following exists: (a) A severe discrepancy exists between the intellectual ability and achievements in one or more of the following academic areas: (1) Oral expression; (2) Listening comprehension; (3) Written expression; (4) Basic reading skills; (5) Reading comprehension (6) Mathematics calculation; (7) Mathematics reasoning ...The discrepancy is due to a disorder in one or more of the basic psychological processes and is not the result of environmental, cultural, or economic disadvantaged. California Special Education Programs, A Composite of Laws, Education Code - Part 30 and Other Related Laws, Special Education Division, California State Department of Education (1988), Article 2.5. Eligibility Criteria for Special Education and Related Services on the Basis of Language and Speech Disorder or Specific Learning Disabilities. 56337 pp. 32-33.	Not withstanding the provisions of Section 56364, pupils with low incidence disabilities may receive all or a portion of their instruction in the regular classroom and may also be enrolled in special classes taught by appropriately credentialed teachers who serve these pupils at one or more school sites. The instruction shall be provided in a manner which is consistent with the guidelines adopted pursuant to Section 56136 and in accordance with the individualized education program. California Special Education Programs, A Composite of Laws, Education Code - Part 30 and Other Related Laws, Special Education Division, California State Department of Education (1988), Article 4. Implementation. 563641.1 pp. 43-44.		
HAWAII	"EXCEPTIONAL CHILDREN WHO ARE HANDICAPPED" or "HANDICAPPED CHILD" or "HANDICAPPED CHILDREN" or "CHILD" or "HANDICAPPED PERSON" means a person or persons physi-	Specific Learning Disabled Full Time Self-Contained	2.6 (One full-time Ed. Asst.)	
		Integrated Self-Contained	2.0	

cally present in the State or a resident or residents of the State, who will be at least three years of age during the school year and under twenty years of age on the first instructional day of the school year, and who are determine in accordance with state standards, to be eligible for special education and related services under the handicapping conditions of: mental retardation, hearing impairment, speech impairment, visual impairment, emotional handicap, orthopedic handicap, other health impairment, deaf-blindness, severe multiple handicaps, learning impairment or specific learning disabilities..

Provisions of a Free Appropriate Public Education for Exceptional Children Who Are Handicapped: Implementing Guidelines and Procedures, Office of Instructional Services/Special Instructional, Programs & Services Branch, Department of Education, State of Hawaii (1986) Chapter 36, 8-36-2, Definitions., p. 4.

KANSAS

"SPECIFIC LEARNING DISABILITY" means a disorder in the ability to learn effectively with respect to one or own potential when presented with an appropriate regular instructional environment. The inability to learn effectively is manifested as a disorder in the ability to receive, organize, or express information relevant to school functioning, and is demonstrated by a significant discrepancy between aptitude and achievement in one or more of the following areas: Preacademic skills, oral expression, listening, basic reading skills, reading comprehension, mathematics calculation, and mathematics reasoning. This discrepancy shall be primarily attributed to vision, hearing, or motor impairments; mental retardation; emotional disabilities; environmental, cultural, or economic disadvantage; or a history of an inconsistent education program.

State Regulations for Special Education (1988) State Board of Education, Article 12 of Kansas Administrative Regulations, 91-12-22 Definitions. (rr) p. 3.

Resource Services	1.4
Itinerant and Support Services	1.0

Implementation Procedures for the Allocation of State-Funded Special Education Instructional Positions, Office of Instructional Services/Special Instructional Programs & Services Branch, Department of Education, State of Hawaii (1988) E. Rationale for Special Education Staffing Weights. p. 5.

Itinerant		
BD/LD	18	24 (1 or more para.)
BD/EMR/LD	18	24 (1 or more para.)
Resource		
BD/LD	18	22 (1 or more para.)
BD/EMR/LD	18	22 (1 or more para.) (No more than 10 at any onre time)
Special Class		
BD/LD	10	14 (1 or more para.)
EMR/LD	10	14 (1 or more para.)
BD/EMR/LD	10	14 (1or more para.)

State Regulations for Special Education, (1988) State Board of Education, Article 12 of Kansas Administrative Regulations, 91-12-25 Approval of Interrelated service units (I) p. 5. (e) Except as otherwise provided in this subsection, the class size and caseload shall be the same as that for the categorical area with the majority of students being served under the particular delivery model being used. If four or more students in a categorical area with more restrictive class size or caseload requirements are being used, the more restrictive requirement shall apply. The maximum limitations for interrelated programs.

MASSA CHUSETTS

"CHILD IN NEED OF SPECIAL EDUCATION" a child who has been determined by the Administrator of Special Education to need special education in accordance with the provisions of Sec. 322.2 (Evaluation:IEP) or has been referred to a program described in Sec. 502.7 (home or hospital program). Such determination or referral must be based upon a finding that a child, because of temporary or more permanent adjustment difficulties or attributes arising from intellectual, sensory, emotional or physical factors, cerebral dysfunctions, perceptual factors, or other specific learning impairments, or any combination thereof, is unable to progress effectively in a regular education program and requires special education.

766 Regulations, Massachusetts Department of Education, (1986) Chapter 1-Definitions. 130.0, p. 1.

When a children are removed from a regular class for services pursuant to Sec. 502.2 (a), the number of children in any one instruction group shall exceed the following limits and shall be less if the TEAM so recommends and the school committee approves such recommendations.

Eight children for each teacher or other qualified professional.

Twelve children for each teacher or other qualified professional where such teacher or professional is assisted by one aide.

766 Regulations, Massachusetts Department of Education, (1986), Chapter 5-Programs. 502.2 (b), 502.2 (b)(i), 502.2 (b)(ii), p. 58.

SOUTH CAROLINA

"SPECIFIC LEARNING DISABILITY"means a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

Procedures for Survey, Screening, Evaluation, Placement, and Dismissal of Children Into/Out of Programs for the Handicapped, (1978), South Carolina Department of Education, Definition. p. 49.

K-6 Special Education	
Self-Contained Classes	15:1
Resource Room and Itinerant	33
Grade 7-8 Special Education	
Self-Contained Classes	18:1
Resource Room and Itinerant	33
Grade 9-12 Special Education	
Self-Contained Classes	18:1
Resource Room and Itinerant	33

Defined Minimum Program for South Carolina School Districts, (1980), South Carolina Department of Education, Teacher Load. pp. 22-23, 35, 53-54.

SOUTH DAKOTA	"MILDLY HANDICAPPED" those children who, through their individual educational program, can be served in regular educational program with modifications as designated in Sec. 24:05:09:02 or for at least two-four hours of the school day in a regular educational program as designated in Sec. 24:05:09:03. "MODERATELY HANDICAPPED" those children who, through their individualized educational program, can be served for at least two-four hours of the school day in a regular educational program as designated in Sec. 24: 05:09:03 or self-contained program as designated in Sec. 24:05:09:04. "SEVERELY TO PROFOUNDLY HANDICAPPED" those children who, through their individualized educational program, can be served in a self-contained program as desig nated in Sec. 24:05:09:04, day school program as desig nated in Sec. 24:05:09:05, or residential school program as designated in Sec. 24:05:09:06. South Dakota Department of Education, Article 24:05 Special Education, Chapter 24:05:01 Definitions. (15), (16), (27), pp. 2, 3.	The local school district shall determine the number and and age range of children requiring special education and related services assigned to a class such be such that the specifications of each child's individualized education program can be met. South Dakota Department of Education.
TEXAS	"LEARNING DISABLED" ...(A) who demonstrate a significant discrepancy between academic and intellectual abilities in one or more of the areas of oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematics calculation, mathematics reasoning, or spelling; (B) for whom it is determined is not primarily the result of visual handicap, hearing impairment, mental retardation, emotional disturbance, or environmental, cultural, or economic disadvantage; and (C) for whom the inherent disability exists to a degree such that they cannot be adequately served in the regular classes of the public schools without the provision of special services other than those provided under compensatory education programs. Texas Education Code Section 21.503(b)(7).	The Individualized Education Program Committee shall determine the number and age range of children requiring special education and related services assigned to a class such that the specifications of each child's Individualized education program can be met. State Board of Education. (Not in manual).

VIRGINIA	"SPECIFIC LEARNING DISABILITY" means a disorder in one or more of the basis psychological processes involved in understanding or in using language, spoken or written which manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations which adversely affects the child's educational performance. The terms includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicap, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage. Regulations Governing Special Education Programs for Handicapped Children in Virginia, (1984), Commonwealth of Virginia, Department of Education, Office of Special and Compensatory Education, (A)(2) Definitions of Handicapping Conditions, 300.5, (k). p. 13	Self-Contained 10 w/aide 8 w/o aide Board of Education Regulations Governing Special Education Programs for Handicapped Children and Youth In Virginia (Sec. II, F, 1-2)
WASH INGTON	"SPECIFIC LEARNING DISABILITY" disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language. Such disorder may include problems in visual and auditory perception and integration and may manifest itself in an impaired ability to think, speak or communicate clearly, read with comprehension, write legibly and with meaning, and to accurately perform mathematical calculations, including those involving reading. Spelling shall not stand alone as a qualifying academic achievement area. State of Washington, Rules and Regulations for Programs Providing Services to Children with Handicapping Conditions, Chapter 392-171, Eligibility Criteria for Handicapped Students, WAC 392-171-406, Specific learning disability--Definition. p. 20.	The Individualized Education Program Committee shall determine the number and age range of children requiring special education and related services assigned to a class such that the specifications of each child's individualized education program can be met. State Board of Education. (Not in manual)

7. SPEECH IMPAIRED

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Program Type — Class Size/Caseload Minimum Maximum
ALASKA	" SPEECH IMPAIRED" exhibits a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which affects educational performance. Title IV, Education Regulations, Chapter 52 Education for Exceptional Children, 4 AAC 52.130 Eligibility (i) Register 101 p. 4-34.4.	Each district shall place the child after the development or revision of an IEP in conformity with the IEP. Title IV, Education Regulations, Chapter 52 Education for Exceptional Children, 4 AAC 52.150 Placement (a) Register 101 p. 4-34.5.
CALIFORNIA	LANGUAGE/SPEECH DISORDER" demonstrates difficulty understanding or using spoken language to such an extent that it adversely affects his or her educational performance and cannot be corrected without special education and related services. Difficulty in understanding or using spoken language assessed by a language, speech, or hearing specialist who determines such difficulty results from any of the following disorders: (a) Articulation disorders, such that the pupil's production of speech significantly interferes with communication and attracts adverse attention; (b) Abnormal voice, characterized by persistent, defective voice quality, pitch, or loudness. .An appropriate medical examination shall be conducted, where appropriate; (c) Fluency difficulties which result in an abnormal flow of verbal expression to such a degree that these difficulties adversely affect communication between the pupil and teacher; (d) Inappropriate or inadequate acquisition, comprehension,or expression of spoken language performance level is found to be significantly below the language performance level of his or her peers; (e) Hearing loss which results in a language or speech disorder and significantly affects educational performance. California Special Education Programs, A Composite of Laws, Education Code - Part 30 and Other Related Laws, Special Education Division, California State Department of Education , (1988), Article 2.5. Eligibility Criteria for Special	The average caseload for language, speech and hearing specialists in districts, county offices, or special education local plan areas shall not exceed 55 cases, unless the local comprehensive plan specifies a higher average caseload. California Special Education Programs, A Composite of Laws, Education Code -Part 30 and Other Related Laws, Special Education Division, California State Department of Education, Article 4. Implementation. 56363.3 p. 43.

	Education and Related Services on the Basis of Language and Speech Disorder or Specific Learning Disabilities. 56333. p. 32.	
HAWAII	"EXCEPTIONAL CHILDREN WHO ARE HANDICAPPED" or "HANDICAPPED CHILD" or "HANDICAPPED CHILDREN" or "CHILD" or HANDICAPPED PERSON" means a person or persons physically present in the State or a resident or residents of the State, who will be at least three years of age during the school year and under twenty years of age on the first instructional day of the school year, and who are determined in accordance with state standards, to be eligible for special education and related services under the handicapping conditions of: mental retardation, hearing impairment, speech impairment, visual impairment, emotional handicap, orthopedic handicap, other health impairment, deaf-blindness, severe multiple handicaps, learning impairment or specific learning disabilities... Provision of Free Appropriate Public Education for Exceptional Children Who Are Handicapped: Implementing Guidelines and Procedures, Office of Instructional Services/Special Instructional Programs & Services Branch, Department of Education, State of Hawaii (1986), Chapter 36, 8-36-2, Definitions. p. 4.	Speech Impaired Full Time Self-Contained 2.6 (One full-time Ed. Asst.) Itinerant Self-Contained 2.0 Resource Services 1.4 Itinerant and Support Services 1.0 Implementation Procedures for the Allocation of State-Funded Special Education Instructional Positions, Office of Instructional Services/Special Instructional Programs & Services Branch, Department of Education, State of Hawaii (1988), E. Rationale for Special Education Staffing Weights. p.5.
KANSAS	"LANGUAGE AND SPEECH IMPAIRMENTS means communication deviations or impairments which adversely affect educational performance. These deviations or impairments include the following: (1) Language or speech deviation or impairment, which means a basic communication system disorder, deviation, or general developmental need in language, speech, fluency, or voice quality, which hinders academic learning, social adjustment, self-skills, or communication skills. (2) voice deviation or impairment, which means an abnormality in pitch, loudness, or quality resulting from pathological conditions or inappropriate use of vocal mechanism that inter-	Guidelines not in manual.

	feres with communication or produces psycho-social maladjustment; (3) fluency deviation or impairment, which means a disruption in the normal flow of verbal expression is not readily controllable by the individual and that occurs frequently or is markedly noticeable. This disruption occurs to the degree that the individual or persons who listen to the individual evidence reactions to the manner of speech and the disruptions so that communication is impeded; and (4) articulation deviation or impairment, which meansdefective production of phonemes (speech sounds) that interferes with intelligibility of speech. Types of misarticulation include substitutions of one phoneme for another, omission of phonemes in words, phonemic distortions, and inappropriate additions of phonemes. State Regulations for Special Education (1988), State Board of Education, Article 12 of Kansas Administrative Regulations, 91-12-22 Definitions (u). pp.1-2.	
MASSACHUSETTS	"CHILD IN NEED OF SPECIAL EDUCATION" a child who has been determined by the Administrator of Special Education to need special education in accordance with the provisions of Sec. 322.2 (Evaluation:IEP) or has been referred to a program described in Sec. 502.7 (home or hospital program). Such determination or referral must be based upon a finding that a child, because of temporary or more permanent adjustment difficulties or attributes arising from intellectual, sensory, emotional or physical factors, cerebral dysfunctions, perceptual factors, or other specific learning impairments, or any combination thereof, is unable to progress effectively in a regular education program and requires special education. 766 Regulations, Massachusetts Department of Education (1986) Chapter 1-Definitions. 130.0, p. 1.	When a children are removed from a regular class for services pursuant to Sec. 502.2 (a), the number of children in any one instruction group shall exceed the following limits and shall be less if the TEAM so recommends and the school committee approves such recommendations. Eight children for each teacher or other qualified professional. Twelve children for each teacher or other qualified professional where such teacher or professional is assisted by one aide. 766 Regulations, Massachusetts Department of Education, (1986), Chapter 5-Programs. 502.2 (b), 502.2 (b)(i), 502.2 (b)(ii), p. 58.

SOUTH CAROLINA	"SPEECH AND LANGUAGE HANDICAPPED" means those disorders which tend to interfere with or limit, to varying degrees, the individual's ability to formulate, express, receive or interpret oral language. Speech and language handicaps may be manifested in degrees of mild, moderate or severe and be exhibited as disorders or articulation, voice, rhythm, language, delayed speech and language, and speech/language disorders associated with cleft palate, cerebral palsy conditions,or hearing loss. Speech and language behavior, associated with dialectal differences, may indicate a need for the availability of appropriate services, optional for pupil participation. Procedures for Survey, Screening, Evaluation, Placement, and Dismissal of Children Into/Out of Programs for the Handicapped, Definition. p. 27.	K-6 Special Education 60 Grade 7-8 60 Grade 9-12 60 Defined Minimum Program for South Carolina School Districts, (1980), South Carolina Department of Education, Teaching Load. pp. 23, 35, 54.
SOUTH DAKOTA	"MILDLY HANDICAPPED" those children who, through their individual educational program, can be served in regular educational program with modifications as designated in Sec. 24:05: 09:02 or for at least two-four hours of the school day in a regular educational program as designated in Sec. 24:05:09:03. "MODERATELY HANDICAPPED" those children who, through their individualized educational program, can be served for at least two-four hours of the school day in a regular educational program as designated in Sec. 24:05:09:03 or self-contained program as designated in Sec. 24:05:09:04. "SEVERELY TO PROFOUNDLY HANDICAPPED" those children who, through their individualized educational program, can be served in a self-contained program as designated in Sec. 24:05:09:04, day school program as designated in Sec. 24:05:09:05, or residential school program as designated in Sec. 24:05:09:06.	The local school district shall determine the number and and age range of children requiring special education and related services assigned to a class such be such that the specifications of each child's individualized education program can be met.

	South Dakota Department of Education, Article 24:05 Special Education, Chapter 24:05:01 Definitions. (15), (16), (27), pp. 2, 3.	
TEXAS	"SPEECH HANDICAPPED" one who has been determined by a certified speech and hearing therapist, certified therapist, certified speech and language therapist, or licensed speech and language pathologist to have a communication disorder such as stuttering, impaired articulation, a langauge impairment, or a voice impairment. State Board of Education Rules for Handicapped Students, (1986), Clarification of Provisions in Federal Regulations and State Law, Title 19, Part II, Texas Administrative Code and Statutory Citations, Chapter 89, Subchapter G, Special Education, Sec. 89.211 Handicapped Students. (c), p.6.	The Individualized Educational Program Committee shall determine the number and age range of children requiring special education and related services assigned to a class such that the specifications of each child's individualized education program can be met. State Board of Education. (Not in manual).
VIRGINIA	"SPEECH AND LANGAUGE IMPAIRED" means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's educational performance. Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia (1984), Commonwealth of Virginia, Department of Education, Office of Special and Compensatory Education, (A)(2) Definitions of Handicapping Conditions. (l), p. 13.	Self-Contained Programs 10 w/aide 8 w/o aide Resource Programs 75 (60 recommended)
WASH INGTON	"COMMUNICATION DISORDERED" ..if there is present a documented communication disorder such is stuttering, voice disorder, language impairment, and/or impaired articulation which adversely affects a student's educational performance. State of Washington, Rules and Regulations for Programs Providing Services to Children with Handicapping Conditions, Chapter 392-171, Eligibility Criteria for Handicapped Students, WAC 392-171-391. Definition and eligibility criteria for communciation disordered. p. 19.	The Individualized Education Program Committee shall determine the number and age range of children requiring special education and related services assigned to a class such that the specifications of each child's individualized education program can be met. State Board of Education. (Not in manual)

WYOMING

"SPEECH/LANGUAGE IMPAIRMENT" means manifestation of one or more of the following disorders which interferes with communication ability and adversely affects educational performance:

"PHONOLOGICAL IMPAIRMENT" means highly unitelligible speech resulting from a disability in the developemnt of the sound structure of language. The sound structure includes two components: a systematic repertoire of meaningful sounds (phonemes) and a finite set of rules defining how these phonemes can be arranged sequentially.

"ARTICULATION IMPAIRMENT" means a mild deficiency in the ability to produce speech sounds at the single word level and/or in conversational speech which is not consistent with the child's chronological and/or mental age.

"VOICE IMPAIRMENT" means any deviation in pitch, intensity, or quality which consistently interferes with communication, draws unfavorable attention, adversely affects the speaker or listener(s) or is inappropriate to the age, sex or culture of the child. This conditionmay be organic or functional in nature.

"FLUENCY IMPAIRM,ENT" means abnormal interruption in the flow of speech by repetitions or prologations of a sound, syllable or articulatory position, or avoidance and struggle behaviors.

"LANGUAGE IMPAIRMENT" means a deficiency in the comprehension or production of language which manifests itself in the content, form, use, or oral communication or its equivalent.

Wyoming State of Education, Rules and Regulations Governing Services for Handicapped Children in Wyoming School Districts, (1986), Wyoming State Department of Education, Chapter VII, Program and Services for Handicapped Children in Wyoming School Districts, 5. Definitions., Sec. 52. Speech/Language Impairment Definition. Eligibility Criteria and Assessment Standards., pp. 40-41.

The Individualized Education Program Committee shall determine the number and age range of children requiring special education and related services assigned to a class such that the specifications of each child's individualized education program can be met.

State Board of Education. (Not in manual)

8. VISUALLY HANDICAPPED

STATE	HANDICAPPING CONDITION	STAFF TO STUDENT RATIO Class Size/Caseload Program Type Minimum Maximum
ALASKA	"VISUALLY HANDICAPPED" exhibits a visual impairment which even with correction, adverselyaffects educational performance. Title IV, Education Regulation, Chapter 52 Education for Exceptional Children, 4 AAC 52.130 Eligibility (i) Register 101 p. 4-34.4.	Each district shall place the child after the development or revision of an IEP in conformity with the IEP. Title IV, Education Regulations, Chapter 52 Education for Exceptional Children, 4 AAC 52.150 Placement (a) Register 101 p. 4-34.5.
CALIFORNIA	"LOW INCIDENCE DISABILITY" means a severe handicapping condition with an expected incidence rate of less than one percent of the total statewide enrollment in kindergarten through grade 12. For purposes of this definition, severe handicapping conditions are hearing impairments, vision impairments, and severe orthopedic impairments, or any combination thereof. California Special Education Programs, A Composite Laws, Education Code - Part 30 and Other Related Laws, Special Education Division, California State Department of Education, (1988) Article 2. Definitions 56026.5 p. 5.	Caseloads for resource specialist shall be stated in the local policies...No resource specialist shall have a caseload which exceeds 28 pupils. California Special Education Programs, A Composite of Laws, Education Code - Part 30 and Other Related Laws, Special Education Division, California State of Department of Education, (1988) Article 4. Implementation, 56362 (c) p. 40.
	"SEVERELY HANDICAPPED" means individuals with exceptional needs who require intensive instruction and training in programs serving pupils with the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbances, severe mental retardation, and those individuals who would have been eligible for enrollment in a development center for handicapped pupils under Chapter 6. California Special Education Programs, A Composite of Laws, Education Code - Part 30 and Other Related Laws, Special Education Division, California State Department of Education (1988) Article 2. Definition. 56030.5 pp.5-6.	(a) Designated instruction and services as specified in the individualized education program shall be available when the instruction and services are necessary for the pupil to benefit educationally from his or her instructional program. California Special Education Programs, A Composite of Laws, Education Code - Part 30 and Other Related Laws, Special Education Division, California State Department of Education (1988) Article 4. Implementation, 56363 p. 42.

HAWAII

"EXCEPTIONAL CHILDREN WHO ARE HANDICAPPED" or "HANDICAPPED CHILD" or HANDICAPPED CHILDREN " or "CHILD" OR HANDICAPPED PERSON"means a person or persons physically present in a State or a resident or residents of the State, who will be at least three years of age during the school year and under twenty years of age on the first instructional day of the school year, and who are determined in accordance with state standards, to be eligible for special education and related services under the handicapping conditions of: mental retardation, hearing impairment, speech impairment, visual impairment, emotional handicap, orthopedic handicap, other health impairment, deaf-blindness, severe multiple handicaps, learning impairment or specific learning disabilities.

Provisions of a Free Appropriate Public Educattion for Exceptional Children Who Are Handicapped: Implementing Guidelines and Procedures, Office of Instructional Services/Special Instructional Programs & Services Branch, Department of Education, State of Hawaii, (1986) Chapter 36, 8-32-2 Definitions., p. 4.

KANSAS

"VISUAL IMPAIRMENT" means limited vision that interferes with educational and developmental progress, or both.

(1) Partially seeing means a visual limitation which constitutes an educational handicap but does not prevent the use of print as the primary educational medium .

(2) Blind means a visual limitation which requires dependence on tactile and auditory media for learning.

State Regulations for Special Education (1988), Article 12 of Kansas Administrative Regulations, 91-12-22. Definitions. (tt) p. 3.

Partially Sighted

Full Time Self-Contained	3.3 (One full-time Ed. Asst.)
Integrated Self-Contained	2.6 (One full-time Ed. Asst.)
Resource Services	2.0
Itinerant and Support Services	1.4

Blind

Full Time Self-Contained	5.2 (One full-time Ed. Asst.)
Integrated Self-Contained	3.3 (One full-time Ed. Asst.)
Resource Services	2.6 (One full-time Ed. Asst.)
Itinerant and Support Services	2.0

Implementation Procedures for the Allocation of State-Funded Special Education Instructional Positions, Office of Instructional Services/Special Instructional Programs & Services Branch, Department of Education, State of Hawaii (1988) for Special Education Staffing Weights , p. 5.

Class size and caseload limitations shall be established on an individual basis for any service delivery model used to provide services to children who are visually impaired, hearing impaired, physically impaired, other health impaired, or severely multiply handicapped.

State Regulations for Special Education, (1988) Article 12 of Kansas Administrative Regulations, 91-12-25 Approval of interrelated services units p. 5.

MASSACHUSETTS "CHILD IN NEED OF SPECIAL EDUCATION" a child who has been determined by the Administrator of Special Education to need special education in accordance with the provisions of Sec. 322.2 (Evaluation:IEP) or has been referred to a program described in Sec. 502.7 (home or hospital program). Such determination or referral must be based upon a finding that a child, because of temporary or more permanent adjustment difficulties or attributes arising from intellectual, sensory, emotional or physical factors, cerebral dysfunctions, perceptual factors, or other specific learning impairments, or any combination thereof, is unable to progress effectively in a regular education program and requires special education.

766 Regulations, Massachusetts Department of Education (1986) Chapter 1-Definitions. 130.0, p. 1.

SOUTH CAROLINA "VISUALLY HANDICAPPED" means pupils of legal school age who either have no vision or whose visual limitations after correction result in educational handicaps unless special provisions are made.

Procedures for Survey, Screening, Evaluation, Placement, and Dismissal of Children Into/Out of Programs for the Handicapped, (1978), South Carolina Department of Education, Definition. p. 40.

When a children are removed from a regular class for services pursuant to Sec. 502.2 (a), the number of children in any one instruction group shall exceed the following limits and shall be less if the TEAM so recommends and the school committee approves such recommendations.

Eight children for each teacher or other qualified professional.

Twelve children for each teacher or other qualified professional where such teacher or professional is assisted by one aide.

766 Regulations, Massachusetts Department of Education, (1986), Chapter 5-Programs. 502.2 (b), 502.2 (b)(i), 502.2 (b)(ii), p. 58.

K-6 Special Education	
Self-Contained Classes	10:1
Resource Room and Itinerant	15
Grade 7-8 Special Education	
Self-Contained Classes	12:1
Resource Room and Itinerant	15
Grade 9-12 Special Education	
Self-Contained Classes	12:1
Resource Room and Itinerant	15

Defined Minimum Program for South Carolina School Districts, (1980), South Carolina Department of Education, Teaching Load, pp. 22-23, 35, 53-54.

SOUTH DAKOTA	"MILDLY HANDICAPPED" those children who, through their individual educational program, can be served in regular educational program with modifications as designated in Sec. 24:05:09:02 or for at least two-four hours of the school day in a regular educational program as designated in Sec. 24:05:09:03. "MODERATELY HANDICAPPED" those children who, through their individualized educational program, can be served for at least two-four hoursof the school day in a regular educational program as designated in Sec. 24:05:09:03 or self-contained program as designated in Sec. 24:05:09:04. "SEVERELY TO PROFOUNDLY HANDICAPPED" those children who, through their individualized educational program, can be served in a self-contained program as designated in Sec. 24:05:09:04, day school program as designated in Sec. 24:05:09:05, or residential school program as designated in Sec. 24:05:09:06. South Dakota Department of Education, Article 24:05 Special Education, Chapter 24:05:01 Definitions. (15), (16), (27), pp. 2, 3.	The local school district shall determine the number and and age range of children requiring special education and related services assigned to a class such be such that the specifications of each child's individualized education program can be met. South Dakota Department of Education.
TEXAS	"VISUALLY HANDICAPPED" one who has been determined by a licensed opthalmologist or optometrist to have no vision or to have a serious visual loss after correction. State Board of Education Rules for Handicapped Students, (1986), Clarification of Provisions in Federal Regulations and State Law, Title 19, Part II, Texas Administrative Code and Statutory Citations, Chapter 89, Subchapter G, Special Education, Sec. 89.211 Handicapped Students. (c), p. 5.	The Individualized Education Program Committee shall determine the number and age range of children requiring special education and related services assigned to a class such that the specifications of each child's Individualized education program can be met. State Board of Education. (Not in manual).

VIRGINIA	"VISUALLY HANDICAPPED" means a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes partially seeing and blind children. Regulations Governing Special Education Programs for Handicapped Children in Virginia, (1984), Commonwealth of Virginia, Department of Education, Office of Special and Compensatory Education, (A)(2) Definitions of Handicapping Conditions, 300.5. (m) p. 13.	Resource Programs	24
WASHINGTON	"VISUALLY HANDICAPPED" students are those students who have a visual impairment which, even with correction, adverse;ly affects the student's educational performance. The term includes both partially sighted and blind students. State of Washington, Rules and Regulations for Programs Providing Services to Children with Handicapping Conditions, Chapter 392-171, Eligibility Criteria for Handicapped Students, WAC 392-171-446, Definition and eligibility criteria for visually handicapped., p. 23.	The Individualized Education Program Committee shall determine the number and age range of children requiring special education and related services assigned to a class such that the specifications of each child's individualized education program can be met. State Board of Education. (Not in manual)	
WYOMING	"VISUAL IMPAIRMENT" means a visual problem, which even with correction, adversely affects a student's educational performance. The term includes both blind and partially seeing students. Wyoming State of Education, Rules and Regulations Governing Services for Handicapped Children in Wyoming School Districts, (1986), Wyoming State Department of Education, Chapter VII, Program and Services for Handicapped Children in Wyoming School Districts, 5. Definitions., Sec. 53. Visual Impairment: Definition, Eligibility Criteria and Assessment Standards., p. 44	The Individualized Education Program Committee shall determine the number and age range of children requiring special education and related services assigned and to a class such that the specifications of each child's individualized education program can be met. State Board of Education. (Not in manual.)	

Staff to Student Ratios: Class Size/Caseload

VOLUME 2

STATE RULES, REGULATIONS, AND GUIDELINES

ALABAMA TO MISSISSIPPI

Great Lakes Area
Regional Resource Center
The Ohio State University
May 1986

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Staff to Student Ratios: Class Size/Caseload

Great Lakes Area
Regional Resource Center
The Ohio State University
May 1986

This document is intended to provide information regarding state rules and regulations for staff to student ratios - class size/caseload for special education programs. Information is presented in two forms: short and long. Volume one (1), the short form, presents this information in chart form. The information has been grouped according to handicapping condition and compiled alphabetically by state. The charts include the state definition for the handicapping condition and a synthesis of the state policy regarding class size/caseload. Volumes two (2) and three (3), the long form, contains excerpts from State Rules and Regulations documents including: the definition for handicapping conditions; eligibility criteria; age range; and personnel qualifications. In some instances, it was necessary to excerpt information from more than one chapter of the state regulations. Therefore, page numbers may not always appear in consecutive or sequential order.

The following states are referenced:

Alabama
Arkansas
Arizona
Colorado
Connecticut
Delaware
District of Columbia
Florida
Georgia
Idaho
Illinois
Indiana
Iowa
Kentucky
Louisana
Maine
Maryland
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Rhode Island
Tennessee
Utah
Vermont
West Virginia
Wisconsin

Compiled by:

Shirley E. Butler,
Program Assistance Specialist

Great Lakes Area Regional Resource Center
The Ohio State University
161 Rightmire Hall
1060 Carmack Road
Columbus, Ohio 43210

1986

TABLE OF CONTENTS

PAGE

I. INTRODUCTION....7

II. CHARTS: STAFF TO STUDENT RATIOS - CLASS SIZE/CASELOAD BASED ON HANDICAPPING CONDITIONS....9

1. DEAF/HARD OF HEARING....11
2. MENTALLY RETARDED....29
3. MULTIHANDICAPPED....51
4. ORTHOPEDICALLY IMPAIRED & OTHER HEALTH IMPAIRED....66
5. SERIOUSLY EMOTIONALLY DISTURBED....85
6. SPECIFICALLY LEARNING DISABILITY....109
7. SPEECH IMPAIRED....127
8. VISUALLY HANDICAPPED....145

III. STATE RULES, REGULATIONS AND GUIDELINES....163

1. Alabama
2. Arkansas
3. Arizona
4. Colorado
5. Connecticut
6. Delaware
7. District of Columbia
8. Florida
9. Georgia
10. Idaho
11. Illinois
12. Indiana
13. Iowa
14. Kentucky
15. Louisiana
16. Maine
17. Maryland
18. Michigan
19. Minnesota
20. Mississippi
21. Missouri
22. Montana
23. Nebraska
24. Nevada
25. New Hampshire
26. New Jersey
27. New Mexico
28. New York
29. North Carolina
30. North Dakota

386

III. STATES RULES, REGULATIONS AND GUIDELINES (cont'd)

31. Ohio
32. Oklahoma
33. Oregon
34. Pennsylvania
35. Rhode Island
36. Tennessee
37. Utah
38. Vermont
39. West Virginia
40. Wisconsin

INTRODUCTION

Direct contact with state departments of special education and review of rules, regulations and guidelines for special education programs indicates that 12 of the 40 states referenced in this document do not have specific staff to student ratios for class size/caseload. In those states, class size/caseload is based on instructional need, rather than handicapping conditions.

Specific Staff to Student Ratios for Special Education Programs*

- Alabama
- Arkansas
- Colorado
- Delaware
- District of Columbia
- Georgia
- Iowa
- Kentucky
- Louisiana
- Maine
- Michigan
- Minnesota
- Missouri
- Montana
- Nebraska
- Nevada
- New Jersey
- New York
- North Carolina
- North Dakota
- Ohio
- Oklahoma
- Pennsylvania
- Rhode Island
- Utah
- West Virginia
- Wisconsin

Class Size/Caseload Based on Instructional Need

- Arizona
- Connecticut
- Florida
- Idaho
- Indiana
- Maryland
- Mississippi
- New Hampshire
- New Mexico
- Oregon
- Tennessee
- Vermont

* There may be exception for some handicapping conditions.

III. STATE RULES, REGULATIONS AND GUIDELINES

1. Alabama

POLICIES AND PROCEDURES MANUAL

PROGRAM FOR EXCEPTIONAL CHILDREN AND YOUTH

BULLETIN 1980

NO. 31

Wayne Teague
State Superintendent of Education

J. H. Baker, Director
Division of Administrative & Financial Services

Patricia H. McLaney, Coordinator
Program for Exceptional Children and Youth

State of Alabama
Department of Education
Division of Administrative & Financial Services
Montgomery, Alabama 36130

EXCEPTIONALITY: DEAF/BLIND

I. DEFINITION

Deaf/Blind means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in Special Education programs solely for Deaf or Blind children.

II. ASSESSMENTS:

After the four basic assessment procedures and a review of the referral form, the Local Education Agency must decide if any of the following would be appropriate to aid the Eligibility Determination Committee in determining if the student would be eligible for Special Education and related services as a Deaf/Blind student:

A. General medical examination - can be obtained from agencies such as Crippled Children's Service, Department of Pensions and Security, Public Health Department or from private sources.

B. Audiological evaluation - report/summary of this evaluation should include statement of nature and degree of hearing loss.

C. Examination by Otologist or Otolaryngologist - can be obtained from agencies such as Crippled Children's Service, Department of Pensions and Security, Public Health Department or from private sources.

D. Ophthamological/Optometric examination - can be obtained from agencies such as Crippled Children's Service, Department of Pensions and Security, Public Health Department or from private sources. Written report of this examination should include test findings, recommendation of type of low-vision aids if appropriate for student, modification of classroom lighting if needed, recommendations of primary reading medium (regular texts, use of regular materials retyped in primary size print, large print texts or Braille materials), and any other modifications needed by the student such as seating location in the classroom, allowing reading materials to be held close or at a distance, modifications of teacher-made materials and tests, use of non-glare or Braille paper, etc.

III. CLASS SIZE:

A. A Special Education teacher assigned to this exceptionality may serve no more than six (6) students in any type of resource room setting.

B. A Special Education teacher assigned to this exceptionality may serve no more than four (4) students in any type of self-contained setting.

EXCEPTIONALITY: DEAF/HARD-OF-HEARING

I. DEFINITION:

"Deaf" means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

"Hard-of-Hearing" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's performance but which is not included under the definition of "Deaf" given above.

II. ASSESSMENTS:

After the four (4) basic assessment procedures and a review of the referral form, the Local Education Agency must decide if any of the following would be appropriate to aid the Eligibility Determination Committee in determining if the student would be eligible for Special Education and related services as a Deaf/Hard-of-Hearing student.

A. Audiological evaluation - report/summary of this evaluation should include statement of nature and degree of hearing loss.

B. Speech and Language Screening

C. Medical examination by Otologist or Otolarynogologist - can be obtained from an agency such as Crippled Children's Service, Department of Pensions and Security, Public Health Department, or from private sources.

III. CLASS SIZE:

A. A Special Education teacher assigned to this exceptionality may serve no more than fifteen (15) students in any type of resource room setting.

B. A Special Education teacher assigned to this exceptionality may serve no more than ten (10) students in any type of self-contained setting.

IV. OTHER RELEVANT INFORMATION:

A. The space allotted must be relatively free of extraneous noise, be properly ventilated, heated or cooled, adequately lighted throughout, and have several electrical outlets.

B. Adequate storage space must be provided for program materials, equipment, and records.

C. Special equipment must be provided within the classroom for the Hearing Impaired, including moveable furniture, auditory amplification system or individual amplification devices, projectors, and other audiovisual equipment.

D. Rooms provided for itinerant and for permanently assigned staff must be regularly available for their use, of adequate size, with sufficient and appropriate space, seating space, and furnishings.

I. DEFINITION

Students exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affect educational performance may be classified as "Emotionally Conflicted:"

A. An inability to learn which cannot be explained by intellectual, sensory, or health factors.

B. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.

C. Inappropriate types of behavior or feelings under normal circumstances.

D. A general pervasive mood of unhappiness or depression.

E. A tendency to develop physical symptoms or fears associated with personal or school problems.

It is the intent of this section to address the needs of those children who are often categorized as emotionally disturbed, socially maladjusted, or behaviorally disordered. Rather than specifically labeling such children, this section will deal with the symptomatic behavior and educational program needs of these children.

II. ASSESSMENTS:

A. After the four (4) basic assessment procedures and a review of the referral form, the Local Education Agency must decide if any of the following would be appropriate to aide the Eligibility Determination Committee in determining if the student would be eligible for Special Education and related services as an Emotionally Conflicted student:

1. Interview with parents:
    a. Behavior Rating Scale completed by parents.
    b. Social and developmental history collected from parents.
2. Interview with previous or referring teacher: Behavior Rating Scale completed by the teacher.
3. Observation(s) by personnel trained in Emotionally Disturbed:
    a. Behavior Rating Scale completed by observer.
    b. Summary of Behavior Rating Scales completed.
4. Evaluation by psychiatrist or clinical psychologist.
5. General medical examination - can be obtained from agencies such as Crippled Children's Service, Department of Pensions and Security, Public Health Department, or from private sources.
6. Speech and Language Screening.
7. Visual Perception and/or Auditory Discrimination Tests.
8. Educational Diagnostic Assessments:
    a. Affective educational needs identified.
    b. Academic educational needs identified.

B. According to the behavioral pattern which arises from the assessment information, the intervention appropriate for meeting educational program needs can be estimated.

1. Autistic, Schizophrenic, Psychotic Pattern:

   The Autistic, Schizophrenic, or Psychotic student is out of touch with reality and does not relate to his/her environment in a normal fashion. This student lacks developmental skills above those expected at the infant/toddler level, is incapable of constructive activity, or lacks functional communication skills. An intensive self-contained program is usually needed.

2. Consistent Social/Behavior Problem Pattern:

   Although this student is in touch with reality to some extent, he/she manifests problems successfully interacting with peers and adults and may present behavior that is inappropriate in the regular class setting. This student may lack effective communication skills, has little self-confidence, responds with poor impulse controls, and gains little satisfaction from peer relationships.

   He/she usually profits from a structured resource room setting with well-planned mainstream experiences.

3. Inconsistent Social/Behavior Problem Pattern:

This student is generally in touch with reality but his/her perception of reality may be clouded by seriously neurotic interruptions. Inconsistent manifestation of problem behavior is generally noted. These are the students who develop phobias or irrational fears, who are either aggressive (i.e., delinquent, fighting, tantruming, stealing, lying) or withdrawn (extremely shy, introverted) and who cannot function for a full day in a regular classroom.

4. Reactive/Adjustment Problem Pattern:

The student experiencing reactive/adjustment conflict is usually having difficulty adequately adjusting to traumatic life events such as death, divorce, or a particular phase of development. Assistance usually consists of counseling and crisis intervention. The student should stay in a regular classroom insofar as possible.

III. CLASS SIZE:

A. Autistic, Schizophrenic, Psychotic Pattern:

A Special Education teacher assigned to this exceptionality may serve no more than four (4) students in any type of self-contained setting.

B. Consistent Social/Behavior Problem Pattern:

A Special Education teacher assigned to this exceptionality may serve no more than eight (8) students in any type resource room setting suitable for children consistently manifesting social/behavior problems. No more than four (4) students can be served during any class period.

C. Inconsistent Social/Behavior Problem Pattern:

A Special Education teacher assigned to this exceptionality may serve no more than twelve (12) students in any type of resource room setting suitable for students inconsistently manifesting social/behavior problems. No more than six (6) can be served during any class period.

D. Reactive/Adjustment Problem Pattern:

A Special Education teacher assigned to this exceptionality may serve no more than twenty (20) students in any type of resource room setting when assigned to work with students manifesting a reactive/adjustment pattern.

IV. OTHER RELEVANT INFORMATION:

Care should be taken to group no more than two (2) acting-out students in any class for the Emotionally Conflicted.

Contact with teachers in the regular class setting and with parents should be maintained on a regular basis to insure maximum carryover of skill development. Regular class observation and contact with children from the resource class should be built into schedules.

I. DEFINITION:

"Intellectually Gifted" students are those children and youth who are identified as possessing demonstrated or potential abilities for highly refined cognitive functioning (including creative or productive thinking) and who by reason thereof require services or activities not ordinarily provided by the school.

II. ASSESSMENTS:

A. After the four (4) basic assessments and review of referral form, the Local Education Agency must decide if any of the following would be appropriate to aid in the development of Individualized Education Program of a student declared eligible as an Intellectually Gifted student with general intellectual abilities or Creative/Productive Thinking abilities:

1. Work samples
2. Student Self-Concept Scale
3. Student Interview and Interest Survey or Questionnaire (developed for systemwide use and conducted/reviewed by a teacher of the Gifted)
4. Parent Interview and/or Questionnaire regarding student's interests, motivation, creative projects, etc.,--can be obtained from referral form and/or conference

5. Educational diagnostic tests in areas such as reading, math, or other areas needed for Individualized Education Program development

6. Evidence of skills and/or products, school-related activities such as participation in systemwide math or science competition, Scholars Bowl, etc.

B. 1. The only consideration that the Eligibility Determination Committee must review to declare a student "Intellectually Gifted" in general intellectual abilities is the score received on the Individual Intelligence Test.

   a. For Verbal students, the score must be 132 or above on the Stanford-Binet with the standard error of measurement of + or - 5 points. On the Wechsler Scales, the score must be 130 or above with the standard error of measurement of + or - 3 points. (The full Wechsler Scale must be given but the full scale score may be used when the performance score exceeds the Verbal score; otherwise, only the Verbal score should be used to determine eligibility). On the Slosson, the score must be 132 with the standard error of measurement + or - 4 points.

   b. For Non-Verbal, Bilingual or Hearing Impaired Gifted students, the score equivalent of two (2) standard deviations above the mean (with the standard error of measurement allowed) should be used on both the Leiter International Performance Scales and the Columbia Mental Maturity Test.

2. In the area of Creative/Productive Thinking, two (2) sets of scores must be considered:
   a. On the Stanford-Binet, Wechsler Scales, or Slosson, a score of 120 (The full Wechsler Scale must be given but the full-scale score may be used when the performance score exceeds the Verbal score; otherwise, only the Verbal score should be used to determine eligibility)
   b. On the Torrance Tests of Creative Thinking, Figural Form A or B, the creative index score must be 130; and on the Verbal Form A or B, the score must be 65 (average of the t scores derived from the three tests).
3. Each Local Education Agency must cross reference all referrals of Disadvantaged Gifted students to the Title I list of students already identified as from low-income families. The Title I list must be utilized as it identifies income level uniformly within the system and correlates with the U. S. Office of Education figures related to income

levels within each system within the state. When Title I services do not extend to all grade levels, the criteria used systemwide to identify Title I students are applied to referrals of Disadvantaged potentially Gifted students.

For students who qualify as Disadvantaged Gifted, the score on the Individual Intelligence Test will be one standard deviation above the mean. (On the Wechsler Scales, this would be 115 and on the Stanford-Binet, the score would be 116. The full Wechsler Scale must be given but the full scale score may be used when the performance score exceeds the Verbal score. Otherwise, only the Verbal score should be used to determine eligibility as a Disadvantaged Gifted student.

III. A. Class Size:

1. A Special Education teacher assigned to this exceptionality may serve no more than fifty (50) students in any type of resource room setting.
2. A Special Education teacher assigned to this exceptionality may serve no more than twenty-five (25) students in any type of self-contained setting.

B. In addition to Special Education Services such as "Gifted," Student Regular Program Alternatives may include, for example:

1. Acceleration (including early admissions to public school and for early graduation);
2. Course credit by examination which would allow Gifted secondary students, for example, to accumulate units in excess of the current maximum of six units for the academic year and two units for summer programs;
3. Dual and/or summer enrollment for Gifted High School students simultaneously attending post-secondary institutions. (See attached Alabama State Board of Education Resolution adopted on September 16, 1977, for elimination of maximum hours of credit);
4. Mentor programs allowing for released time from schools for Gifted students to work with non-professional educators in a one-to-one relationship within the community, with appropriate academic credit allowed.

C. Student Schedules:

In developing student schedules, there must be at least five (5) contact hours per week per student, preferably in blocks of time. Groups of students should be scheduled, but it is recommended that no group exceed ten (10) students. It is recommended that there shall not be at any time an age range of more than three (3) years for students assigned or served as a class group.

IV. OTHER RELEVANT INFORMATION:

In developing teacher schedules for working with Gifted students, the following items must be considered:

A. Teachers must be assigned to Early Childhood/Elementary Level students or Middle School-Junior High School/High School Level students. Teachers serving Early Childhood through High School Level students must have written permission from the Program for Exceptional Children and Youth.

I. DEFINITION:

"Mentally Retarded" means subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period which versely affects a child's educational performance.

A. "Educable Mentally Retarded" children and youth are individuals who demonstrate:

1. Potential for the acquisition of academic skills up to a moderate level.
2. Capability to develop independent functioning skills in the community.
3. Ability to realize vocational and occupational adequacy resulting in full or partial self-sufficiency as an adult.

Psychometrically, the Educable Mentally Retarded manifest an intelligent quotient between 50 and 75 and minimal deficits in adaptive behavior.

B. "Trainable Mentally Retarded" children and youth are individuals who demonstrate potential for:

1. The acquisition of academic skills up to a limited level.
2. Learning of self-help and self-care skills.
3. Semi-independent functioning at home and/or in the neighborhood.

4. Limited ability to realize vocational and occupational adequacy as an adult.

Psychometrically, the Trainable Mentally Retarded manifest an intelligence quotient between 25 and 49 and major deficits in adaptive behavior.

C. "Profoundly Mentally Retarded" children and youth are individuals who:

1. Demonstrate no potential for academic learning.
2. Have little or no capability for self-care or semi-independent functioning as an adult.
3. Will require continued care and supportive assistance.

Psychometrically, the Profoundly Mentally Retarded manifest an intelligence quotient below 25 and serious deficiencies in adaptive behavior.

II. ASSESSMENTS:

A. Educable Mentally Retarded:

After the four (4) basic assessment procedures and a review of the referral form, the Local Education Agency must decide if any of the following would be appropriate to aid the Eligibility Committee in determining if the student would be eligible for Special Education and related services as an Educable Mentally Retarded student:

1. Speech and Language Screening
2. Adaptive Behavior Rating Scale
3. Educational Diagnostic Tests

B. Trainable Mentally Retarded:

After the four (4) basic assessment procedures and a review of the referral form, the Local Education Agency must decide if any of the following would be appropriate to aid the Eligibility Committee in determining if the student would be eligible for Special Education and related services as a Trainable Mentally Retarded student:

1. Adaptive Behavior Rating Scale
2. Speech and Language Screening
3. Educational Diagnostic Tests
4. Developmental Scales
5. Medical Examination - can be obtained from agencies such as Crippled Children's Service, Department of Pensions and Security, Public Health Department, or from private sources.

C. Profoundly Mentally Retarded:

After the four (4) basic assessment procedures and a review of the referral form, the Local Education Agency must decide if any of the following would be appropriate to aid the Eligibility Committee in determining if the student would be eligible for Special Education and related services as a Profoundly Mentally Retarded student:

1. Adaptive Behavior Rating Scale
2. Speech and Language Screening
3. Developmental Scales
4. Medical examination - can be obtained from agencies such as Crippled Children's Service, Department of Pensions and Security, Public Health Department or from private sources.

III. CLASS SIZE:

A. Educable Mentally Retarded:

1. A Special Education teacher assigned to this exceptionality may serve no more than twenty (20) students in any type of resource room setting.
2. A Special Education teacher assigned to this exceptionality may serve no more than fifteen (15) students in any type of self-contained setting.

B. Trainable Mentally Retarded:

1. A Special Education teacher assigned to this exceptionality may serve no more than fifteen (15) students in any type of resource room setting.

2. A Special Education teacher assigned to this exceptionality may serve no more than twelve (12) students in any type of self-contained setting.

C. Profoundly Mentally Retarded:

1. A Special Education teacher assigned to this exceptionality may serve no more than five (5) students in any type of resource room setting.

2. A Special Education teacher assigned to this exceptionality may serve no more than five (5) students in any type of self-contained setting.

IV. OTHER RELEVANT INFORMATION:

A. Educable Mentally Retarded:

For high school programs, where EMR students attend an Area Vocational Center for a half-day block of time, team teaching arrangements are suggested if two or more teachers are involved. When only one teacher is involved, it is suggested that the teacher accompany the students to the AVC to aid whenever possible in the development or reinforcement of academic skills needed for success in the Vocational Education program.

B. Profoundly Mentally Retarded:

Because of multiplicity of problems which could be exhibited by Profoundly Mentally Retarded children and

411

youth, the Local Education Agency may wish to place this level student in a class for the Multihandicapped. Extreme care must be used in programming this type student within the MH unit.

I. DEFINITION:

"Multihandicapped" means concomitant impairments (such as Mentally Retarded and Blind, Mentally Retarded and Orthopedically Impaired, etc.), the combination of which causes such severe educational problems that they cannot be accommodated in Special Education programs solely for one of the impairments. The term does not include Deaf/Blind children.

II. ASSESSMENTS:

After the four (4) basic assessment procedures and a review of the referral form, the Local Education Agency must decide if any of the following would be appropriate to aid the Eligibility Determination Committee in determining if the student would be eligible for Special Education and related services.

A. Medical examination - can be obtained from agencies such as Crippled Children's Service, Department of Pensions and Security, Public Health Department or from private sources.

B. Speech and Language Screening.

C. Developmental Scales.

III. CLASS SIZE:

A. A Special Education teacher assigned to this exceptionality may serve no more than four (4) students in any type of setting.*

IV. ADDITIONAL RELEVANT INFORMATION:

A. Wheelchair ramps must be provided where there are differences in building levels as an alternative to stairs.

B. Bathrooms and drinking fountains must be appropriately equipped for use by Multihandicapped students.

C. Handrails must be on all staircases to aid mobile Multihandicapped students' ability to participate in activities within a multilevel building.

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*A Special Education teacher with an aide may serve eight (8) students, up to a maximum of three (3) aides serving sixteen (16) students.

414

EXCEPTIONALITY: ORTHOPEDICALLY IMPAIRED AND OTHER HEALTH IMPAIRED

I. DEFINITION:

School-aged students referred to as "Orthopedically Impaired" exhibit a severe orthopedic impairment which adversely affects educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc); impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.); and impairments from other causes (e.g., fractures or burns which cause contractures, amputation, cerebral palsy, etc.).

"Other Health Impaired" means limited strength, vitality, or alertness due to chronic or acute health problems, such as heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affect educational performance.

II. ASSESSMENTS:

After the four (4) basic assessment procedures and a review of the referral form, the Local Education Agency must decide if any of the following would be appropriate to aid the Eligibility Determination Committee in determining if the student would be eligible for Special Education and related services as an Orthopedically Impaired/Other Health Impaired student:

A. Medical Examination - can be obtained from agencies such as Crippled Children's Service, Department of Pensions and Security, Public Health Department or from private sources.

B. Speech and Hearing Screening.

III. CLASS SIZE:

A. A Special Education teacher assigned to this exceptionality may serve no more than twenty (20) students in any type of resource room setting.

B. A Special Education teacher assigned to this exceptionality may serve no more than twelve (12) students in any type of self-contained setting.

IV. OTHER RELEVANT INFORMATION:

A. Wheelchair ramps must be provided where there are differences in building levels as an alternative to stairs.

B. Bathrooms and drinking fountains must be appropriately equipped for use by wheelchair students.

C. Handrails must be on all staircases to aid mobile physically handicapped students to participate in activities within a

EXCEPTIONALITY: SPECIFIC LEARNING DISABILITIES

I. DEFINITION:

"Specific Learning Disabilities" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; mental retardation; emotional disturbance; or environmental, cultural, or economic disadvantage. Those with "Specific Learning Disabilities" may demonstrate their handicap through a variety of symptoms such as hyperactivity, distractibility, attention problems, memory disorders, concept association problems, etc. The end result of the effects of these symptoms is a severe discrepancy between ability and achievement. This discrepancy is the major factor in determining eligibility for learning disability services. If there is no severe discrepancy between how much should have been learned and what has been learned, there would not be a disability in learning. However, other handicapping and sociological conditions may be primary factors resulting in a discrepancy between ability and achievement.

In such cases, the severe discrepancy may be primarily the result of these factors and not of a learning disability.

The child must manifest a severe discrepancy between intellectual ability and achievement in one or more of the following areas, and behavioral indicators might be noted by the referring teacher and/or by the person conducting the observation:

A. Oral Expression:

Frequent use of immature, poor vocabulary; incomplete sentences and grammatical errors; gropes for words to express himself; difficulty relating ideas in a logical sequence; difficulty relating isolated facts.

B. Written Expression:

Frequent difficulty in drawing geometric shapes; poor formulation of manuscript and cursive letters; poor spacing between letters and words; poor spelling; lack of or inappropriate punctuation; poor organization of writing on page; fragments and run-on sentences; difficulty in organizing and sequencing thoughts.

C. Listening Comprehension:

Frequent difficulty in grasping simple word meanings; misunderstands words at age and grade level; often ignores classroom instructions; often confused; unable to follow class discussion; frequently inattentive; frequent difficulty in retaining what is heard.

D. Basic Reading Skills:

Frequent difficulty in relating letter and sound; difficulty sequencing and blending sounds; guesses at sight words from initial letters; poor sight vocabulary; unable to apply word analysis skills; oral reading slow and laborious; oral reading characterized by frequent omissions, repetitions, substitutions, hesitations, and word-by-word reading.

E. Reading Comprehension:

Frequent inability to grasp main idea, recall facts, sequence events in reading passage; difficulty relating elements in story; difficulty in drawing conclusions and making inferences from material read.

F. Mathematical Calculation:

Frequent difficulty in recognizing and writing numerals; difficulty in number-numeral relationships; difficulty in understanding place value and calculations involving regrouping; operations with fractions confusing; difficulty in reading numerals and decimal values; poor spatial arrangement of lengthy calculations (eg., long division).

G. Mathematical Reasoning:

Frequent difficulty in serial ordering of quantity; inability to solve word or story problems; difficulty in applying measurement and in learning to tell time; difficulty in identifying missing information; difficulty in spatial relationships and quantitative language.

II. ASSESSMENTS:

A. After the four (4) basic assessments, the following procedures must be completed:

1. Observation of student's performance within regular classroom setting by person other than student's regular teacher. (Those characteristics referred to in Section I are useful indicators of behavioral manifestations of Specific Learning Disabled students.)
2. Environmental, Cultural, Economic Disadvantage checklist: If local agency wishes to develop own checklist, all items on the sample must be included.

B. Following the above six (6) assessment procedures, the LEA must decide if any of the following would be appropriate to aid the Eligibility Determination Committee in determining if the student would be eligible for Special Education and related services as a Specific Learning Disabilities Student:

1. Speech and Language Screening
2. Diagnostic Reading Test (must include reading skills, reading comprehension and listening comprehension)

3. Diagnostic Math Test (must include calculation and math reasoning)
4. Oral expression sample
5. Written expression sample
6. Test of Visual Perception
7. Test of Auditory Perception

The following criteria are used to determine the existence of a Specific Learning Disability. The multidisciplinary team may determine that a student has a Specific Learning Disability if both of the following conditions are present:

1. The student does not achieve commensurately with his/her age and ability levels when provided appropriate learning experiences.
    a. Evidence related to the deficit areas must be provided to the multidisciplinary team which clearly shows that various materials and methods have been attempted and found to be ineffective in remediating the student's learning difficulties.
    b. Attempts at programming the student in other regular education alternatives must be documented with evidence that such programs were not appropriate for the student. These

regular education alternatives could include individualized instruction, remedial programs (in the areas of deficits), Title I classes, tutoring or placement with other teachers, etc. The evidence that such programming was not appropriate could include student's work samples, teacher's lesson plans for various learning activities in which the student has been involved, Title I records, and similiar items.

c. The multidisciplinary team must review and verify evidence that educational alternatives have been attempted and were determined to be inappropriate for the student and that various learning experiences have been provided,

AND 2. The student has a severe discrepancy between intellectual ability and achievement in one or more of the following areas:

a. Oral Expression

b. Written Expression

c. Listening Comprehension

d. Basic Reading Skills

e. Reading Comprehension

f. Mathematical Calculation

g. Mathematical Reasoning

In order to identify the level of discrepancy between expected achievement and actual achievement, the following procedures are to be used:

1. Definition of Severe Discrepancy for students up to eight (8) years of age will be left to the discretion of the multidisciplinary team. Students entering first (1st) grade may be eligible for service provided all of the eligibility diagnostic requirements are met.
2. For students eight (8) years and above suspected of having a Specific Learning Disability, who have a full scale intelligence quotient above seventy-six (76), a severe discrepancy shall be defined as 60 percent or less of expected achievement. Expected achievement level should be determined by the following method:

$$\text{Expected Achievement} = \frac{(\text{CA X Full Scale IQ})}{100} - 5$$

$$\text{Severe Discrepancy} = .6 \text{ Expected Achievement}$$

Example: John is 10.5 with full scale IQ of 84 as measured by WISC-R

$$\underline{E}\text{xpected } \underline{A}\text{chievement} = \frac{(\text{Chronological Age} \times \text{Full Scale IQ})}{100} - 5$$

$$EA = \frac{(10.5 \times 84)}{(\ 100\ )} - 5$$

$$EA = \frac{(882.0)}{(\ 100\ )} - 5$$

$$EA = 8.82 - 5$$

$$EA = 3.82 \text{ or } 3.8$$

To find level of severe discrepancy, use formula:

$$\text{Severe Discrepancy} = .6\ EA$$

$$SD = .6(3.8)$$

$$SD = 2.28 \text{ or } 2.3$$

If John's score in reading comprehension is 3.5, he would be just three (3) months below his expected achievement level and one (1) year two (2) months above being at the severe discrepancy level. If his computation score is 2.0, it would be one (1) year eight (8) months below his expected achievement level but three (3) months below his severe discrepancy level. Therefore, he has a severe discrepancy in computation.

The additional data may help the team decide that the the student does have a Specific Learning Disability. The team may not identify a child as having a Specific Learning Disability if the severe discrepancy between ability and achievement is primarily the result of:

1. A Visual, Hearing, or Motor Handicap.
2. Mental Retardation.
3. Emotional Disturbance.
4. Environmental, Cultural, or Economic Disadvantage.

Documentation of this multidisciplinary evaluation team serving as the Local Eligibility Committee must be a written report (see sample form) containing the following:

1. Date, time, and location of meeting.
2. Whether the child has a Specific Learning Disability.
3. The basis for making the determination.
4. The relevant behavior noted during the observation of the child.
5. The relationship of that behavior to the child's functioning.
6. The educationally relevant medical findings, if any.
7. Whether there is a severe discrepancy between

achievement and ability which is not correctable without Special Education and related services.

8. A statement of how the child functions when provided alternative learning experience in regular education.
9. The determination of the team concerning the effects of environmental, cultural, or economic disadvantage
10. Each Eligibility Committee member shall certify, in writing, whether the report reflects his/her conclusion. If it does not reflect his/her conclusion, the member must submit a separate report presenting his/her conclusion.

A file containing a copy of all dissenting statements must be kept in a central location such as the coordinator's office.

A student may be eligible to continue receiving services for Learning Disabilities until he/she scores at or above his/her expected achievement level and can function in the regular class at or above his/her expected achievement level. Evidence regarding the above mentioned data must be reviewed by the multidisciplinary team.

III. CLASS SIZE:

A. A Special Education teacher assigned to this exceptionality may serve no more than twenty (20) students in any type of resource room setting.

B. A Special Education teacher assigned to this exceptionality may serve no more than ten (10) students in any type of self-contained setting.

IV. OTHER RELEVANT INFORMATION:

The Specific Learning Disabilities policies and procedures set forth in this publication are based on the regulations published in the Federal Register, Thursday, December 29, 1977, which set out additional procedures that apply only to the evaluation of children suspected of having a learning disability and the determination of the existence of a Specific Learning Disability.

I. DEFINITION:

"Speech (and Language) Impaired" refers to a communication disorder (e.g., stuttering/fluency disorder, articulation disorder, language disorder, voice disorder, or any combination thereof), which directly or indirectly affects a child's cognitive, social, emotional and/or educational development or performance.

II. ASSESSMENTS:

After the four* (4) basic assessment procedures and a review of the referral form, the Local Education Agency must decide if any of the following would be appropriate to aid the Eligibility Determination Committee in determining if the student would be eligible for Special Education and related services as a Speech Impaired student:

A. Hearing Acuity and Perception Screening/Testing

B. Articulation Testing

C. Test of Language

D. Voice Screening/Testing

E. Fluency Screening/Testing

F. Examination of the Peripheral Speech Mechanism

G. Interview with student regarding suspected Speech Problem or the administration of a Self-Concept Scale which would indicate the feelings of the student regarding self and his/her use of Oral Language.

*Review page 77 in Section II Overview.
A mild articulatory problem does not necessitate an intellectual assessment.

428

H. Information on student's developmental history, sociocultural and linguistic, home and school environment, particular emphasis should be made to gather information regarding speech and language acquisition and use, both at home and in school.

III.

A. **Case Load:**

The case load of a Speech Therapist/Pathologist is not to exceed at any time a total of sixty (60) students, whether in one facility or in a variety of facilities. The case load must be limited to:

1. Fifteen (15) to twenty (20) students who exhibit severe speech problems and need individual therapy plus carry-over activities planned with and implemented by the student's classroom teacher(s) and parent(s).
2. Forty-five (45) to sixty (60) students who exhibit mild/moderate speech problems.
3. A combined load of mild-moderate-severe speech problems using the ratio of one (1) student exhibiting severe problems to three (3) students who exhibit mild or moderate problems.

B. **Student Schedules:**

Each student receiving Speech Therapy must receive at least sixty (60) minutes of therapy in at least two (2) contact sessions per week. Students requiring additional Speech Therapy are to be scheduled for additional services according to their Individualized Education Program.

C. Discontinuation from Therapy:

If the therapist recommends to the Eligibility Determination Committee that a student be discontinued from therapy, the Eligibility Determination Committee can recommend admitting a new student to therapy. Thus, students may be dismissed from or admitted to therapy throughout the year providing no more than sixty (60) students are on the therapist's roll book at any one time.

IV. OTHER RELEVANT INFORMATION:

A. In addition to working with students, teachers, and parents, the Speech Therapist may be responsible (in cooperation with other trained professionals as designated by the superintendent) for the Vision and Hearing Screening of all students referred for evaluation--as the first evaluation completed on both new referrals and reevaluation referrals for Special Education and related services.

B. The Speech Therapist may be a member of the Individualized Education Program Eligibility Committee for any exceptional student within the system, as well as being the principal committee member to assist in developing the Individualized Education Program necessary for all students receiving only Speech Therapy.

EXCEPTIONALITY: VISUALLY HANDICAPPED

I. DEFINITION:

School-aged students who exhibit visual impairments which even after correction adversely affect the student's educational performance are referred to as Visually Handicapped. The term includes both Partially Seeing and Blind.

II. After the four (4) basic assessment procedures and a review of the referral form, the Local Education Agency must decide if any of the following would be appropriate to aid the Elgibility Determination Committee in determining if the student would be eligible for Special Education and related services:

A. Ophthalmological/Optometric Examination - can be obtained from agencies such as Crippled Children's Service, Department of Pensions and Security, Public Health Department, or from private sources. Written report of this examination should include test findings; recommendation of type of low-vision aids, if appropriate, for the student; modification of classroom lighting, if needed; recommendations of primary reading medium (regular texts, use of regular materials retyped in primary size print, large print texts or Braille materials); and any other modifications needed by the student, such as seating location in the classroom, allowing reading materials to be held close or at a distance, modifications of teacher-made materials and tests, use of non-glare or Braille paper, etc.

III. CLASS SIZE:

A. A Special Education teacher assigned to this exceptionality may serve no more than twenty (20) students in any type of resource room setting.

B. A Special Education teacher assigned to this exceptionality may serve no more than eight (8) students in any type of self-contained setting.

IV. OTHER RELEVANT INFORMATION:

A. Classroom should be light colored with both natural and artificial light being controlled.

B. Specific storage space is needed for Braille, large-print books and equipment to aid the child in the development of independence of orientation and mobility skills.

C. Handrails should be placed on all staircases to aid in the mobility of Visually Handicapped students.

D. In January of each year, each Local Education Agency is asked to report any Legally Blind students in the school system to the Program for Exceptional Children and Youth. These students then become eligible for an allotment of federal quota funds to be used to purchase materials and textbooks through The American Printing House for the Blind, Inc. All orders for materials must be placed through the Program for Exceptional Children and Youth. Catalogs and Order Forms are available upon request.

2. Arkansas

Program Standards
and
Eligibility Criteria
for
Special Education

ARKANSAS DEPARTMENT OF EDUCATION

DON R. ROBERTS
DIRECTOR
1981

435

ARKANSAS DEPARTMENT OF EDUCATION

DR. DON R. ROBERTS, Director

DIVISION OF INSTRUCTIONAL SERVICES

DR. SHERMAN PETERSON, Associate Director

PREPARED BY STAFF

SPECIAL EDUCATION SECTION

Dr. Larry Rogers, Coordinator

Technical Assistance provided by Staff of the ARKANSAS CHILD FIND PROJECT
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JUNE, 1981

TEACHER/PUPIL RATIO

Refer to page three-one (3-1) to find considerations for determining amount and degree of severity.

Chart 1.A

MAXIMUM TEACHER/PUPIL RATIO

TYPE HANDICAP	ITINERANT INSTRUCTION	RESOURCE ROOM	SPECIAL CLASS MILD TO MOD.	SPECIAL CLASS MOD. TO SEVERE	SPECIAL CLASS SEVERE TO PROF.
HEARING IMPAIRED	1:20	1:15	N/A	1:10	1:8
MENTALLY RETARDED	N/A	1:30	1:15	1:10	N/A
MULTIHANDICAPPED	N/A	1:25	N/A	1:10	N/A
ORTHOPEDICALLY HANDICAPPED	1:25	1:20	N/A	1:10	N/A
OTHER HEALTH IMPAIRED	1:35	1:25	1:15	1:12	N/A
AUTISTIC	N/A	N/A	N/A	1:5	N/A
SERIOUSLY EMOTIONALLY DISTURBED	1:25	1:20	N/A	1:8	N/A
SEVERELY/PROFOUNDLY HANDICAPPED	N/A	N/A	N/A	N/A	1:5
SPECIFIC LEARNING DISABLED	N/A	1:30	1:15	1:10	N/A
SPEECH/LANGUAGE HANDICAP	1:50	N/A	N/A	N/A	N/A
VISUALLY HANDICAPPED	EL 1:12 Sec 1:20	1:8 1:15	N/A	N/A	1:5
NON-CATEGORICAL	1:35	1:25	1:15	1:12	N/A

When calculating the number of students being served, each student is counted one time. The following represents exceptions to the stated teacher/pupil caseload:

1) For each student receiving special class services within a resource setting the instructional load will be reduced by one student.

2) For each student receiving services for a moderate to severe speech and/or language disorder, the student will be counted as equivalent to three (3) mildly impaired students.

3) For each hearing impaired student receiving services on a non-categorical basis in a resource room setting, the student will be counted, for purposes of determining teacher/pupil ratio, as the equivalent of three (3). Maximum per period load when a hearing impaired student is receiving services should be reduced.

4) For each student receiving braille instruction on an itinerant basis, the instructional load of the vision teacher will be reduced by two (2) students.

With regard to itinerant instruction and resource room services of all types, a maximum of five (5) students per period will be the guideline. In those cases where scheduling does not permit an even flow of five (5) students per period, the number served should be as near to five (5) as possible. Exceptions to this guideline are:

1) Pre-vocational and vocational students who attend one class per day in the area of personal/social adjustment.

2) When the teacher has an aide to assist in follow- through activities, the per period load may be adjusted upward not to exceed 40% of the initial teacher/pupil ratio listed above. The teacher/pupil ratio per period should be reduced in number when the square footage of classroom space is insufficient.

At any time more than one exceptionality may be provided services within the same setting. For example: mildly handicapped students from more than one exceptionality may be served within the same service setting and moderate to severely handicapped students from more than one exceptionality may be served within the same service setting. To establish the teacher/pupil case load for services to more than one exceptionality, refer to chart (1.A) non-categorical.

HEARING IMPAIRED
(Deaf and Hard of Hearing)

I. DEFINITIONS

A. "Deaf" means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing with or without amplification, which adversely affects educational performance.

B. "Hard of Hearing" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition of "deaf."[7]

1. "Fluctuating Hearing Loss" -- the child with a fluctuating hearing impairment, such as one resulting from chronic otitis media, is classified as hearing impaired.

2. Unilateral Hearing Loss -- the child with a hearing loss in one ear would not be classified as handicapped under the category of hearing impaired. A referral conference activity should be held concerning this child to designate any program modifications and to specify participation in an annual hearing screening program.

II. POSSIBLE REFERRAL CHARACTERISTICS

A. Intellectual:

The range of intellectual functioning follows that of the normal population. When reviewing the Wechsler Scale results, the possibility of hearing impairment should be considered in the event of a significantly weaker verbal IQ score.

B. Academic:

- has poor reading comprehension skills
- has poor word attack skills
- has difficulty with abstract concepts (may be able to think in abstract terms, but unable to express the concept)

C. Behavior:

- frequently uses "neutral response", "smiling", saying "yes" and periodically nodding in situations where he lacks understanding
- has difficulty following verbal directions or does not respond
- frequently asks to have statements repeated
- may appear hyperactive as he is dependent upon monitoring the environment visually and tactually
- is inattentive in group activities
- appears to be confused, especially in noisy situations
- tends to be "on-guard" more than usual if he feels inadequate
- gives inappropriate answers to simple questions
- may isolate himself or be isolated by his peer group
- has complete or partial misunderstanding of conversation
- is overly dependent on visual clues
- may have a low tolerance for frustration
- often speaks too loudly or too softly

MENTAL RETARDATION

I. DEFINITION

"Mentally Retarded" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance.[9]

II. POSSIBLE REFERRAL CHARACTERISTICS

From the definition cited above, it would appear that an obvious consistency exists in the identification and programming of mentally handicapped individuals. After all, the definition addresses two major characteristics, subaverage general intellectual ability and deficits in adaptive behavior. It would appear that mentally retarded individuals have approximately the same developmental pattern and basically the same needs. However, as one becomes involved in working with these individuals it becomes apparent that their behavioral characteristics are extremely diverse and cover a wide range of performance.

A. Intellectual:

- subaverage intellectual ability; performs poorly on verbal and nonverbal intelligence tests
- difficulty performing abstract processes; conceptualization, generalizability, transfer
- slowness in maturation of basic intellectual functions; memory, imagination, creativity

B. Academic:

- subaverage learning performance in reading, arithmetic, and spelling
- less able in activities requiring reading and listening comprehension, following complex directions, gaining insight into problem situations, generalizing from rules and principles
- less able in written communication than oral communication
- does not learn from incidental exposure to experience
- has short attention span
- displays deficiencies in short-term memory

C. Behavior:

- lack of social competence
- has difficulty comprehending social situations
- low tolerance for frustration
- exhibits immature social behavior
- has poor self concept
- displays fear of failure
- seeks approval; therefore, easily influenced

MULTIHANDICAPPED

I. DEFINITION

"Multihandicapped" means concomitant impairments (such as mentally retarded-blind, mentally retarded-orthopedically impaired, etc.), the combination of which causes such severe educational problems that cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children.[11]

II. POSSIBLE REFERRAL CHARACTERISTICS

For an individual to be classified as multihandicapped he/she must possess two or more handicapping conditions. Referral should be based upon the observation of a combination of the characteristics outlined in the various handicapping conditions. For example, a student who is physically handicapped may have related problems in vision, hearing, speech, other health impairments such as seizures, etc. Reference should be made to the referral characteristics cited under each handicapping condition in the document, if a student is suspected of possessing a combination of handicapping conditions.

III. SCREENING INFORMATION

A. Required:

- communication (mode of)
- hearing
- vision

B. Recommended: Either/or a combination of formal and informal data

1. Formal
    - California Test of Mental Ability
    - Goodenough-Harris Draw-A-Man Test
    - Minnesota Preschool Scale
    - Peabody Picture Vocabulary Test
    - Slosson Intelligence Test
    - Yellow Brick Road
2. Informal
    - checklists
    - rating scales
    - anecdotal records
    - basic skills inventories
    - sociometric techniques
    - observation

441

ORTHOPEDICALLY IMPAIRED

I. DEFINITION

"Orthopedically impaired" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absense of some member, etc.), impairments caused by disease (e.g., poliomelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).[13]

II. POSSIBLE REFERRAL CHARACTERISTICS

The referral characteristics for the orthopedically impaired student fall more into the area of physical characteristics. These may include paralysis, unsteady gait, poor muscle control, loss of limb, etc. Many times the impairment is so great as to impede the expressive language of the student. It is important to note that simply because a child is in a wheelchair he may not need to be referred for consideration of special education and related services.

At this point it is necessary to approach the eligibility in a two pronged manner.

1. Once the orthopedic handicap has been established all barriers to the child's functioning must be the first item eliminated. Many times the educational deficit will not exist once the barriers to school participation have been eliminated.
2. There are some orthopedically impaired students who will continue to exhibit an educational deficit after the removal of barriers to the school program. The educational deficit may include such things as, impaired or lack of two-way communication, an academic deficit as a result of the orthopedic impairment and not as a result of the presence of barriers, and perceptual and motor deficits that attribute to the academic and/or communication deficit as a result of the orthopedic impairment.

In eliminating the barriers to the child's participation in the regular class, items such as the following should be considered: physical access to the classroom, page turners, book holders, standing boards/desks, large desks to accommodate book holders, etc.

III. SCREENING INFORMATION

A. Required:

- hearing
- vision

B. Recommended: Either/or a combination of formal and informal data

1. Formal
   - not applicable to orthopedically impaired
2. Informal
   - observation
   - checklists

OTHER HEALTH IMPAIRED

I. DEFINITION

"Other health impaired" means (i) having an autistic* condition which is manifested by severe communication and other developmental and educational problems, or (ii) having limited strength, vitality or alertness, due to chronic or acute health problems such as heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance.[14]

* A change in the definition of "handicapped children" under Part B of the Education of the Handicapped Act was issued in a regulation published in the January 16, 1981, Federal Register. The reference to "autistic" children was deleted from the disability category "seriously emotionally disturbed" under the definition of "handicapped children" and added under the disability category of "other health impaired". For each area under "other health impaired," subsections will be added which specifically address autism.

IA. DEFINITION (for purposes of determination of eligibility of Autism)

Autism means a behaviorally defined syndrome which typically appears during the first three (3) years of life, and is characterized by delay/disturbances in developmental rates and sequences, responses to sensory stimuli, communicative abilities, cognitive capacities, and the ability to relate to people, events and objects.

II. POSSIBLE REFERRAL CHARACTERISTICS

Referral characteristics for the "other health impaired" student do not fall into specific intellectual, academic, behavioral, language or physical categories. Indicators of an "other" health impairment may or may not be observable. The other health impairment may adversely affect a child's educational performance. The adverse affect may be attributed to: (1) a long period of absence due to the other health impairment, (2) an inability to attend to the task for the same length of time as his/her peers due to the other health impairment and/or as a result of medication being taken for the other health impairment, (3) an inability to attend school for more than a few hours per day due to limited strength or vitality.

The "other health impaired" student may be brought to the attention of school personnel by teacher, parent, school nurse, counselor, or other persons with knowledge of the student's condition.

IIA. Possible Referral Characteristics (Autism)

An accurate diagnosis of autism may be difficult because the characteristics of this disorder may resemble those of mental retardation, communicative, hearing and/or visual disorders, and may exist concurrently with other disorders. Autistic individuals exhibit one or more of the following characteristics over a long period of time and to a marked degree, which adversely affect educational performance:

1. Developmental Rates and Sequences
    a. gross motor milestones normal but fine motor milestones are delayed

SERIOUSLY EMOTIONALLY DISTURBED

I. DEFINITION

"Seriously Emotionally Disturbed" means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree which adversely affects educational performance:

(1) an inability to learn which cannot be explained by intellectual, sensory, or health factors;

(2) an inability to build or maintain satisfactory relationships with peers and teachers;

(3) inappropriate types of behavior or feelings under normal circumstances;

(4) a general pervasive mood of unhappiness or depression; or

(5) a tendency to develop physical symptoms or fears associated with personal or school problems.

II. POSSIBLE REFERRAL CHARACTERISTICS

Identification of seriously emotionally disturbed students is not a simple, clear-cut task since many variables enter into the identification process. Nearly all individuals at one time or another display behaviors similar to or the same as those displayed by individuals here referred to as seriously emotionally disturbed. The primary differences between the "seriously emotionally disturbed" individual and other individuals, however, are as follows:

- the duration of the behavior. The behavior does not occur as an isolated instance, rather is long standing.
- the intensity or magnitude of the behavior. The behavior is grossly inappropriate for the time and place in which it occurs.
- the rate of the behavior. The behavior happens with a much higher frequency than is expected to occur during a given length of time under normal circumstances.
- The multiplicity of behaviors. The number of different behaviors which deviate from the norm.

At the onset of behaviors characteristic of the "seriously emotionally disturbed" child, efforts should be made to adapt the regular class program, or use other alternatives to meet the individual student's educational needs. Examples are review of difficulty of tasks, physical arrangement of classrooms, peer groups, counseling services available, teaching styles of a particular teacher, special interest classes available, etc.

Program modifications should be developed by the teacher or teachers and administrative personnel with the assistance of consultants, psychologists, counselors, or other supportive personnel. These efforts and a systematic record of the student's behavior during this period of time will aid the evaluation committee to determine whether there is a need for special education services. Documentation of attempts to deal with the child's behavior will also prove useful in developing an appropriate IEP for the student if he is determined eligible for services as "seriously emotionally disturbed."

SEVERELY/PROFOUNDLY HANDICAPPED

I. DEFINITION

[1]Severely/Profoundly handicapped means an impairment(s) which requires an instructional program focusing on the development of basic life skills[2] and frequently, requires more extensive related educational services[3] than are needed by other handicapped children.

1. These children will exhibit serious functional intellectual retardation, often possess accompanying motoric, sensory, and/or communicative impairments, and may engage in socially maladaptive behavior.
2. Basic life skills include motor, self-care, perceptual, cognitive, communication, social, domestic living, community living, recreation/leisure time, and vocational skills.
3. Needed services may include physical therapy, occupational therapy, speech-language pathology, school health services, parent counseling and training, social work, transportation, special physical education/recreation, and psychological/ other assessment services.

II. POSSIBLE REFERRAL CHARACTERISTICS

Individuals in this handicapping category represent an extremely heterogenous population. The wide inter - and intra - variations in the multiple problems and existing abilities of the severely/profoundly handicapped should always be kept in mind. Due to the diversity of this group, there is no representative behavioral or physical profile. However, there are basic descriptions of behavioral characteristics and physical conditions which are frequently observable in the severely/ profoundly handicapped individual.

Children who are severely/profoundly impaired are typically identified by personnel from the medical field. Because of severe developmental delays and/or chronic medical involvement, these children are typically referred for services at a very young age. These individuals are often difficult to assign a specific diagnosis of physical, mental, communicative, or emotional impairment. However, many possess characteristics and behaviors associated with one or more of these disabling conditions. Identifiable characteristics within this group usually fall under the categories of intellectual, physical, social/ emotional and communication deficits.

A. Intellectual

- intellectual functioning of approximately four standard deviations below the norm
- lack of ability to perform basic academic tasks

B. Physical

- frequent pronounced delays in motor development. Involvement may vary from inability to perform basic milestones such as rolling over, grasping objects, etc., to no major motor skills impairment
- tactile, visual, and/or auditory deficits are frequently present
- seizure disorder, cerebral palsy, spinal cord injury, hydrocephaly, microcephaly, congenital heart impairment and other serious medical complications may be present

SPECIFIC LEARNING DISABILITY

I. DEFINITION

"Specific Learning Disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing or motor handicaps, of mental retardation, or of environmental, cultural, or economic disadvantage.[17]

II. POSSIBLE REFERRAL CHARACTERISTICS

Students identified as having a specific learning disability are noticed by a number of characteristics. As you review the referral characteristics, it becomes evident that almost every student displays some of these characteristics. However, the learning disabled student will possess and display a "clustering" of these characteristics. That is to say, as the student with a specific learning disability is observed, several of the listed characteristics will remain fairly consistent. The more severe the specific learning disability, the more characteristics which are identifiable for that individual.

Characteristics may also appear in any combination for different students. It soon becomes very obvious that each student who has a specific learning disability is truly unique and that no typical pattern is apparent for this handicapping category.

The existence of one or more characteristics indicates that a "process deficit" may exist. Further evaluation would be required to assist the evaluation committee in distinguishing between the primary handicapping condition of specific learning disability and the slow-learning or under-achieving child.

Furthermore, a specific learning disabled child, functioning at or above grade level, should not be considered for special education services.

One or more of the following characteristics may indicate a "process deficit":

A. Intellectual:

- the child who appears to be able to function at his intellectual level but does not perform academically when exposed to conventional teaching strategies

B. Academic:

- scores indicate inconsistency and great variability between expectancy and performance
- short attention span; unable to concentrate on any one task for very long

SPEECH IMPAIRED

I. DEFINITION

The definition given under P.L. 94-142 is as follows: "Speech Impaired" means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's educational performance.[18]

The operational definition under Arkansas regulations, which is designed to be compatible with the Federal definition, is as follows: "Speech Impaired" means a communication disorder such as deviant articulation, fluency, voice, and/or comprehension and/or expression of language, spoken or written, which impedes the student's acquisition of basic cognitive and affective performance skills as established by the Arkansas Department of Education in Basic Educational Skills (1980).

II. POSSIBLE REFERRAL CHARACTERISTICS

A. Intellectual:

- intellectual functioning is not as strong an indicator as are other referral characteristics

B. Academic:

- overall achievement is below expectancy in relation to chronological age, mental age, or both
- achievement in reading, spelling, written composition, grammatical usage, or math processes is below expected levels, often with delay or difficulty in acquisition of pre-reading or other readiness skills
- achievement and/or intelligence test score patterns may indicate poorer skills in verbal than nonverbal areas, although not always
- word knowledge is below expectancy
- word substitutions occur frequently in reading and in writing from copy or reproducing from recall

C. Behavioral:

- hesitates or refuses to participate in verbal activities; remains mute
- is inattentive, distractible; exhibits poor concentration; has difficulty "tuning in" to tasks or switching tasks
- displays refusal behavior and/or low frustration tolerance
- perseverates verbally and/or motorically
- has difficulty following directions; must be "shown" what to do
- has trouble analyzing/integrating information from what is seen, heard, or felt
- is embarrassed or disturbed by his speech, regardless of age
- has difficulty interpreting emotions, attitudes, and intentions others communicate through nonverbal aspects of communication (facial expressions and body language)
- responds inappropriately to subtle nonverbal social cues, often giving inappropriate social responses
- does not establish or maintain eye contact
- repeats what is said to him or what he is reading, vocally or subvocally
- uses gestures extensively while talking or in place of speech

VISUALLY HANDICAPPED

I. DEFINITION

"Visually Handicapped" means a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children.[19]

Visually impaired pupils are those who because of the type and degree of visual impairment are unable to perform satisfactorily in the usual classroom without significant modifications in curriculum and instructional materials, equipment, and methods. Special education for the visually impaired may be offered specifically for low vision pupils, for blind pupils, or for low vision and blind pupils in combination. Special classes may be conducted at either elementary or secondary level. Itinerant services may enroll either elementary or secondary pupils, or both.

II. POSSIBLE REFERRAL CHARACTERISTICS

Low vision pupils are those whose vision, although impaired, is yet the primary channel of learning and, with considerable adjustments, are able to perform the visual tasks required in the usual school situation. Generally, their visual acuity with correction is 20/70 or less.

Blind pupils are those with no vision or with little potential for developing vision as a primary channel for learning and; therefore, must rely upon tactual and auditory senses to obtain information.

Visually impaired pupils include both blind and low vision pupils.

Visually impaired, multihandicapped pupils are those who are mentally retarded, brain injured, physically handicapped, emotionally and/or socially disturbed, hearing impaired, or non-verbal, as well as low vision or blind.

A. Intellectual:

- shows approximately the same distribution of scores on intellectual tests as the seeing individual, when tests such as auditory-vocal or haptic-motor channels of communication are used

B. Achievement:

- has relatively normal educational achievement
- tend to achieve more poorly in subjects such as mathematics

C. Behavioral:

- appears "clumsy", especially in a new situation
- holds head in an awkward position to look at something or holds a book or other objects in a peculiar position to look at them
- "tunes out" when information is on the chalkboard or in a book which the student cannot read

3. Arizona

A.R.S.

1912

Official Classification

ARIZONA REVISED STATUTES

ANNOTATED

1983 Special Pamphlet
[Supersedes 1982 Special Pamphlet]

Title 15
EDUCATION

Effective January 23, 1981

with

Tables

Place in your set of A.R.S.A. following Volume 6A. Retain until further notice.

[redacted]

In this article, unless the context otherwise requires:

1. "Educational disadvantage" means a nonhandicapping condition which has limited a child's opportunity for educational experience resulting in a nonhandicapped child achieving less than a normal level of learning development.

2. "Exceptional child" means a gifted child or a handicapped child.

3. "Gifted child" means a child of lawful school age who due to superior intellect, advanced learning ability or both is not afforded an opportunity for otherwise attainable progress and development in regular classroom instruction and who needs special instruction, special ancillary services or both to achieve at levels commensurate with his intellect and ability.

4. "Handicapped child" means a child of lawful school age who due to present physical, mental or emotional characteristics or a combination of such characteristics is not afforded the opportunity for all-around adjustment and progress in regular classroom instruction and who needs special instruction, special ancillary services or both to achieve at levels commensurate with his abilities. Handicapped child includes the following:

(a) "Educable mentally handicapped" means a child who because of his intellectual development, as determined by evaluation pursuant to § 15-766, is incapable of being educated effectively through regular classroom instruction without the support of special classes or special services designed to promote his educational development.

(b) "Hearing handicapped" means a child who has a hearing deviation from the normal, as determined by evaluation pursuant to § 15-766, which impedes his educational progress in the regular classroom situation without the support of special classes or special services designed to promote his educational development, and whose intellectual development is such that he is capable of being educated through a modified instructional environment.

(c) "Homebound" or "hospitalized" means a student who is capable of profiting from academic instruction but is unable to attend school due to illness, disease, accident, pregnancy or handicapping conditions, who has been examined by a competent medical doctor and is certified by that doctor as being unable to attend regular classes for a period of not less than three school months.

(d) "Learning disabled" means a child with a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing or motor handicaps, of mental retardation, of emotional disturbance or of environmental, cultural or economic disadvantage.

(e) "Multiple handicapped" means a child who has serious learning and developmental problems resulting from multiple handicapping conditions as determined by evaluation pursuant to § 15-766, and who cannot be provided for adequately in a program designed to meet the needs of any one handicapping condition. The multiple handicapped includes a child who is autistic. Multiple handicapping conditions include two or more of the following:

(i) Hearing handicapped.

(ii) Physically handicapped.

(iii) Trainable mentally handicapped.

(iv) Visually handicapped.

(v) One of the handicapping conditions determined pursuant to items (i) through (iv) of this subdivision existing concurrently with a condition of educable mentally handicapped, seriously emotionally handicapped or learning disabled.

(f) "Physically handicapped" means a child who has a physical handicap or disability, as determined by evaluation pursuant to § 15-766, which impedes his educational progress in the regular classroom situation without the support of special classes or special services designed to promote his educational development, and whose intellectual development is such that he is capable of being educated through a modified instructional environment.

(g) "Seriously emotionally handicapped" means a child who because of serious social or behavioral problems, as determined by evaluation pursuant to § 15-766, is unable or incapable of meeting the demands of regular classroom programs in the schools and in the opinion of diagnostic and instructional personnel the child requires special classes or special services designed to promote his educational and emotional growth and development.

(h) "Speech handicapped" means a child who has a communication disorder such as stuttering, impaired articulation, severe disorders of syntax, semantics or vocabulary or a voice impairment, as determined by evaluation pursuant to § 15-766, to the extent that it calls attention to itself, interferes with communication or causes the child to be maladjusted.

(i) "Trainable mentally handicapped" means a child who because of his intellectual development, as determined by evaluation pursuant to § 15-766, is incapable of being educated in regular classroom programs or educable mentally handicapped programs without the support of special classes or special services designed to promote his educational development.

(j) "Visually handicapped" means a child who has a vision deviation from the normal, as determined by evaluation pursuant to § 15-766, which impedes his educational progress in the regular classroom situation without the support of special classes or special services designed to promote his educational development, and whose intellectual development is such that he is capable of being educated through a modified instructional environment.

5. "Special education" means the adjustment of the environmental factors, modification of school curricula and adaptation of teaching methods, materials and techniques to provide educationally for those children who are gifted or handicapped to such an extent that they do not profit from the regular school curricula or need special education services in order to profit. Difficulty in writing, speaking or understanding the English language due to an environmental background wherein a language other than English is spoken primarily or exclusively shall not be considered a sufficient handicap to require special education.

Added by Laws 1981, Ch. 1, § 2, eff. Jan. 23, 1981.

Historical Note

Source:

Laws 1962, Ch. 110, § 1.
A.R.S. former §§ 15-1011, 15-1061.
Laws 1970, Ch. 169, § 3.
Laws 1971, Ch. 184, § 2.
Laws 1973, Ch. 181, § 3.
Laws 1977, Ch. 89, § 2.
Laws 1978, Ch. 188, § 13.
Laws 1979, Ch. 181, § 3.

Laws 1979, Ch. 181, [which amended former § 15-1011] § 4 provides:

"The provisions of § 15-1011, Arizona Revised Statutes, as amended by § 3 of this act shall become effective from and after June 30, 1980."

Cross Reference

Appropriation and apportionment of state aid, see § 15-769.
Gifted students,
  Special academic assistance, approved tests, see § 15-203.
  State aid, see § 15-770.
Special educational program, inclusion in budget, programs for the handicapped, see § 15-903.
Tuition for handicapped children, see § 15-824.
Tuition limitations, see § 15-824.

Administrative Code References

Educational evaluation for special education in residential care facilities, rules and regulations, see A.C.R.R. R6-5-3201 et seq.
Special education standards, see A.C.R.R. R7-2-401.

Library References

Schools ⟹164.

C.J.S. Schools and School Districts § 485.

3. To the extent practicable, educate handicapped children in the regular education classes. Special classes, separate schooling or other removal of handicapped children from the regular educational environment shall occur only if, and to the extent that, the nature or severity of the handicap is such that education in regular classes, even with the use of supplementary aids and services, cannot be accomplished satisfactorily.

4. Provide necessary transportation for handicapped children in connection with any program, class or service.

5. Establish policy with regard to allowable pupil-teacher ratios and pupil-staff ratios within the district or county for provision of special education services.

B. The special education program established pursuant to this section and § 15-765 shall be conducted only in a school facility which houses regular education classes or in other facilities approved by the division of special education.

C. The governing board of each school district shall provide special education to pupils in the school district whose test results are two standard deviations above the norm on a test which the state board of education approves as provided in § 15-203, subsection A, paragraph 20. Special education for gifted pupils shall only include expanding academic curriculum offerings as may be required to provide an educational program which is commensurate with the academic abilities and potentials of the gifted pupil.

D. The governing body of each school district, county or agency involved in intergovernmental agreements may:

1. In cooperation with another school district or districts, establish special education programs for exceptional children. When two or more governing bodies determine to carry out by joint agreement the duties in regard to the special education programs for exceptional children, the governing bodies shall, in accordance with state law and the rules and regulations of the division of special education, establish a written agreement for the provision of services. In such agreements, one governing body of each school district, agency involved in intergovernmental agreements or the county shall administer the program in accordance with the contract agreement between the school districts. Tuition students may be included in the agreement. The agreement may also include lease-purchase of facilities for the special education programs for exceptional children.

2. Establish work-experience programs in accordance with rules and regulations of the division of special education. The work-experience programs shall consist of classroom instruction, evaluation, training and part-time employment. The evaluation, training and

4. Colorado

Current 2/84

Colorado State Board of Education
Department of Education

1 Colorado Code of Regulations 301-8

Adopted: 8-12-76, amended 12-2-79/2-21-80, 8-13-81, 4-15-82, 7-14-83

Attorney General Opinion: 11-1-76

Statutory Authority: Article 20 of Title 22, C.R.S.

ADMINISTRATION OF THE EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT

2220-R-1.00 Definitions. Unless otherwise indicated by the context, the following definitions shall apply to the administration of the Exceptional Children's Educational Act:

1.00 (1) Due to passage of legislation in the 1981 legislative session, it is necessary to incorporate additional definitions in this section.

1.00 (2) After the Colorado Department of Education conducted an extensive review of the Rules adopted in 1976, and after participating in a review of the Exceptional Children's Educational Act before the Colorado General Assembly's Interim Committee on Exceptional Children and Community Colleges, it was obvious that certain amendments to the Rules were necessary to achieve a more efficient administration of the Exceptional Children's Educational Act.

1.00 (3) Recent ECEA amendments require the State Board to promulgate rules to define the types and amounts of costs in excess of the state average ARB that an administrative unit of residence shall pay to educate a handicapped child at an eligible facility. The purpose of amending these Rules is to provide definitions and procedures so that eligible facilities can receive payment for excess costs and to allow administrative units to be reimbursed under the ECEA.

1.01 "Handicapped children" shall mean those persons between the ages of five and twenty-one who are unable to receive reasonable benefit from ordinary education in the public schools because of specific handicapping conditions:

1.01 (1) Physical condition, impairment, or sustained illness: Impaired ability to participate in the regularly provided classroom because of medical, orthopedic, neurological, and/or sustained illness or crippling conditions. A physical impairment is characterized by at least one of the following:

1.01 (1) (a) Impaired ability to maneuver in the school environment with a wheel chair, walker braces, or other orthopedic devices.

1.01 (1) (b) Need for the assistance of an aide for self help skills.

1.01 (1) (c) Impaired ability to take notes or do assignments which require motoric movement and to adequately compensate for this.

1.01 (1) (d) Severe speech and language problems.

1.01 (1) (e) Severe health problems which require continued monitoring.

1.01 (2) Vision handicap: A deficiency in visual acuity where, even with the use of lenses or corrective devices, the child requires modification or adaptation of instructional methods and materials or supplementary assistance in order to function and learn. A visual handicap is indicated by one or more of the following characteristics:

for selecting the measures best suited to reading and math assessment for each individual child. Children whose academic functioning cannot be adequately measured by standard measures shall be assessed by appropriate means devised by the examiner.

1.01 (4) (c) A score of more than 1.75 standard deviations below the mean on both verbal and non-verbal, individually administered measures of intelligence after possible cultural and/or ethnic biases of the measures have been considered.

1.01 (5) Significant identifiable emotional or behavioral disorder: Social or behavioral functioning such that the child cannot be adequately and/or safely educated in the regular school program.

The following are characteristics of emotional/behavioral disorders when they are exhibited at a rate higher than that which other children exhibit, are exhibited in almost all settings within the total environment, including the school, home, and community, and have been evident for a period of time. One or more of the following characteristics will indicate a significant identifiable emotional or behavioral disorder:

1.01 (5) (a) Behavior which is dangerous to the child himself and/or others.

1.01 (5) (b) Behavior which seriously interferes with the child's learning, or that of his classmates.

1.01 (5) (c) Inability to retain academic information.

1.01 (5) (d) Significantly limited self-control.

1.01 (5) (e) Lack of positive and sustained interpersonal relationships.

1.01 (5) (f) Persistent physical complaints related to stress and/or anxiety.

1.01 (5) (g) Pervasive moods of anxiety or depression.

1.01 (5) (h) Persistent patterns of bizarre and/or exaggerated behavior reactions to routine environment.

1.01 (5) (i) Extended periods of time with observable withdrawal that has no apparent positive coping aspect.

1.01 (6) Perceptual or communicative disorder: A perceptual or communicative disorder is indicated when there is a significant discrepancy between estimated intellectual potential and actual level of performance and is related to basic disorders in the learning processes which are not secondary to limited intellectual capacity, visual or auditory sensory impairment, emotional disorders, and/or experiential information. One or more of the following measurable disorders are observed:

1.01 (6) (a) Significantly impaired ability in pre-reading and/or reading skills.

1.01 (6) (b) Significantly impaired ability in reading comprehension.

1.01 (6) (c) Significantly impaired ability in written language expression, such as problems in handwriting, spelling, sentence structure, and written organization.

1.01 (6) (d) Significantly impaired ability to comprehend, apply, and/or retain math concepts.

1.10 "Group living facility or home" shall mean group homes for the developmentally disabled, residential child care facilities, hospitals, and specialized group facilities for handicapped children.

1.10 (1) "Group homes for the developmentally disabled" shall mean a licensed nonmedical residence or dwelling unit providing supervision and training capable of housing developmentally disabled persons.

1.10 (2) "Residential child care facility" shall mean a facility providing 24-hour care for five or more children between three and sixteen years of age, but not including licensed residential camps.

1.10 (3) "Hospitals" shall mean a general hospital or specialty hospital having a license or certificate of compliance issued by the department of health.

1.10 (4) "Specialized group facilities for handicapped children" shall mean a specialized group home in a residence established, supervised, and certificated by the county department of social services or a licensed child placement agency for the purpose of providing 24-hour care for five to twelve children whose special needs can best be met in a small group.

1.11 "Eligible facility" shall mean a facility as defined at 1 CCR 301-12, Rule 2250-R-26.01(2), excluding state administered facilities, offering an on-grounds school program, which has made application to the Department, and which has been approved by the State Board of Education as meeting the requirements of 1 CCR 301-12, Rule 2250-R-26.03.

1.12 "Excess costs" shall mean the amount of expenditure for educating a handicapped child over and above the revenue received from the state average authorized revenue base and other applicable sources of revenue, as determined in accordance with these Rules by the Department of Education for each eligible facility, which is the maximum amount of money an administrative unit shall be obligated to pay.

2220-R-2.00 Administrative Unit Standards

2.01 Qualifications. To qualify as a special education administrative unit, a school district, board of cooperative services, or other cooperative between two or more school districts and/or boards of cooperative services, must satisfy the following standards:

2.01 (1) Enrollment of 4,000 pupils in average daily membership, or 400 handicapped children in special education programs.

2.01 (2) Boundaries encompassing a geographic area of manageable size considering the location of the population, topographical hazards, distance, weather, and transportation conditions. Determination of "manageability" shall be reached jointly by the Department and the affected school district, or, in the event of impasse, by the State Board.

2.01 (3) Employment of a qualified director of special education, employed no less than half-time in this capacity, who is responsible for the development, implementation, administration, maintenance, monitoring, and evaluation of the programs and services required or permitted by the Handicapped Children's Educational Act. The director shall also have the responsibility to confer, within a reasonable period of time, with parents who disagree with the findings and recommendations of the staffing committee referenced in Section 3.04 of these Rules.

2.01 (4) Provision of administrative support for special education programs which will allow compliance with these Rules.

2.01 (5) Development and implementation of an approved comprehensive plan.

Current 2/84

Colorado State Board of Education
Department of Education

1 Colorado Code of Regulations 301-8

Adopted: 8-12-76, amended 12-2-79/2-21-80, 8-13-81, 4-15-82, 7-14-83

Attorney General Opinion: 11-1-76

Statutory Authority: Article 20 of Title 22, C.R.S.

ADMINISTRATION OF THE
EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT

2220-R-1.00 Definitions. Unless otherwise indicated by the context, the following definitions shall apply to the administration of the Exceptional Children's Educational Act:

1.00 (1) Due to passage of legislation in the 1981 legislative session, it is necessary to incorporate additional definitions in this section.

1.00 (2) After the Colorado Department of Education conducted an extensive review of the Rules adopted in 1976, and after participating in a review of the Exceptional Children's Educational Act before the Colorado General Assembly's Interim Committee on Exceptional Children and Community Colleges, it was obvious that certain amendments to the Rules were necessary to achieve a more efficient administration of the Exceptional Children's Educational Act.

1.00 (3) Recent ECEA amendments require the State Board to promulgate rules to define the types and amounts of costs in excess of the state average ARB that an administrative unit of residence shall pay to educate a handicapped child at an eligible facility. The purpose of amending these Rules is to provide definitions and procedures so that eligible facilities can receive payment for excess costs and to allow administrative units to be reimbursed under the ECEA.

1.01 "Handicapped children" shall mean those persons between the ages of five and twenty-one who are unable to receive reasonable benefit from ordinary education in the public schools because of specific handicapping conditions:

1.01 (1) Physical condition, impairment, or sustained illness: Impaired ability to participate in the regularly provided classroom because of medical, orthopedic, neurological, and/or sustained illness or crippling conditions. A physical impairment is characterized by at least one of the following:

1.01 (1) (a) Impaired ability to maneuver in the school environment with a wheel chair, walker braces, or other orthopedic devices.

1.01 (1) (b) Need for the assistance of an aide for self help skills.

1.01 (1) (c) Impaired ability to take notes or do assignments which require motoric movement and to adequately compensate for this.

1.01 (1) (d) Severe speech and language problems.'

1.01 (1) (e) Severe health problems which require continued monitoring.

1.01 (2) Vision handicap: A deficiency in visual acuity where, even with the use of lenses or corrective devices, the child requires modification or adaptation of instructional methods and materials or supplementary assistance in order to function and learn. A visual handicap is indicated by one or more of the following characteristics:

1.10 "Group living facility or home" shall mean group homes for the developmentally disabled, residential child care facilities, hospitals, and specialized group facilities for handicapped children.

1.10 (1) "Group homes for the developmentally disabled" shall mean a licensed nonmedical residence or dwelling unit providing supervision and training capable of housing developmentally disabled persons.

1.10 (2) "Residential child care facility" shall mean a facility providing 24-hour care for five or more children between three and sixteen years of age, but not including licensed residential camps.

1.10 (3) "Hospitals" shall mean a general hospital or specialty hospital having a license or certificate of compliance issued by the department of health.

1.10 (4) "Specialized group facilities for handicapped children" shall mean a specialized group home in a residence established, supervised, and certificated by the county department of social services or a licensed child placement agency for the purpose of providing 24-hour care for five to twelve children whose special needs can best be met in a small group.

1.11 "Eligible facility" shall mean a facility as defined at 1 CCR 301-12, Rule 2250-R-26.01(2), excluding state administered facilities, offering an on-grounds school program, which has made application to the Department, and which has been approved by the State Board of Education as meeting the requirements of 1 CCR 301-12, Rule 2250-R-26.03.

1.12 "Excess costs" shall mean the amount of expenditure for educating a handicapped child over and above the revenue received from the state average authorized revenue base and other applicable sources of revenue, as determined in accordance with these Rules by the Department of Education for each eligible facility, which is the maximum amount of money an administrative unit shall be obligated to pay.

2220-R-2.00 Administrative Unit Standards

2.01 Qualifications. To qualify as a special education administrative unit, a school district, board of cooperative services, or other cooperative between two or more school districts and/or boards of cooperative services, must satisfy the following standards:

2.01 (1) Enrollment of 4,000 pupils in average daily membership, or 400 handicapped children in special education programs.

2.01 (2) Boundaries encompassing a geographic area of manageable size considering the location of the population, topographical hazards, distance, weather, and transportation conditions. Determination of "manageability" shall be reached jointly by the Department and the affected school district, or, in the event of impasse, by the State Board.

2.01 (3) Employment of a qualified director of special education, employed no less than half-time in this capacity, who is responsible for the development, implementation, administration, maintenance, monitoring, and evaluation of the programs and services required or permitted by the Handicapped Children's Educational Act. The director shall also have the responsibility to confer, within a reasonable period of time, with parents who disagree with the findings and recommendations of the staffing committee referenced in Section 3.04 of these Rules.

2.01 (4) Provision of administrative support for special education programs which will allow compliance with these Rules.

2.01 (5) Development and implementation of an approved comprehensive plan.

2220-R-7.00 Service Standards

7.01 Delivery Method Alternatives. The following are approved methods of delivering services to handicapped children:

7.01 (1) Consultive assistance to the regular classroom teacher wherein the child continues full-time under the responsibility of the regular classroom teacher who receives help from a special education or support services consultant to develop special strategies for serving the child's needs. The consultant may work directly with the child from time to time to assess progress and determine the need for modification of the strategies being used.

7.01 (2) Itinerant services wherein the handicapped child continues full-time under the responsibility of the regular classroom teacher, but receives special assistance in specifically diagnosed areas. Itinerant staff work directly with the handicapped child as a supplement to the help given by the regular classroom teacher, but assume direct responsibility only for the portion of the child's education for which the special teacher is directly involved with the child.

7.01 (3) Resource classrooms wherein the child continues part-time under the responsibility of the regular classroom teacher and part-time under the responsibility of the special education teacher. Both teachers have a direct responsibility for some part of the child's education.

7.01 (4) Self-contained classrooms wherein the child is placed full-time under the responsibility of the special education teacher who has complete, direct responsibility for the child's education. Resources of the regular education program, such as art, music, and physical education, may be used, to supplement the special education services.

7.01 (5) Work-experience-study programs wherein the handicapped child is enrolled in approved work programs and a teacher, consultant, or coordinator is maintained to provide work-experience-study services. This service may be a part of, or apart from, other types of service alternatives.

7.01 (6) Home programs wherein the child is not attending a private school or institutional program and his condition precludes him from attending a public school facility. His educational needs may be served through the use of communication equipment linking his home to the regular classroom and/or the assignment of an itinerant teacher.

7.01 (7) Programs in eligible facilities wherein the child's condition precludes him/her from attending a public school facility. Such approved facilities or agencies include community center boards, group homes for the developmentally disabled, residential child care facilities, hospitals, and specialized group facilities for handicapped children as defined in 1.10 of these Rules.

7.02 Program Standards. The following standards shall be required of programs serving handicapped children:

7.02 (1)

Handicapping Condition	Delivery Alternative	Maximum Active Enrolled Teacher Case Load			Other Services As Needed
		Preschool	Elementary	Secondary	
Physical Condition	Self-Contained Resource Itinerant	1-8 1-6	1-6 1-12 1-30	1-8 1-12 1-30	Classroom aides Speech and language services Physical/occupational therapy services as prescribed by M.D. Psychological services Social work services Orientation/mobility instruction Materials/Equipment adaptation Rehabilitation services Parent counseling Auditory training Amplification Manual communication Nursing services Motor programming Specialty Teacher
Visually Handicapped	Self-Contained Resource Itinerant	1-6 1-5 1-6 1-8	1-8 1-6 1-13	1-10 1-13 1-20	
Hearing Handicapped	Self-Contained Resource Itinerant	1-4 1-4	1-4 1-8 1-10	1-8 1-12 1-13	
Significant Limited Intellectual Capacity	Self-Contained Resource	1-8 1-8	1-12 1-15	1-13 1-18	
Emotional/Behavioral	Self-Contained Resource Itinerant	1-6 1-8 1-6 1-5	1-8 [illegible] 1-13 1-30	1-8 1-13 1-30	
Perceptual/Communicative	Self-Contained Resource Itinerant	1-8 1-15 1-30	1-8 1-13 1-30	1-8 1-13 1-30	
Speech	Resource Itinerant	1-60 1-50	1-60 1-50	1-60 1-50	
Multiply Handicapped	Self-Contained Resource Itinerant	1-6 1-6	1-6 1-10 1-12	1-10 1-13 1-30	
(a) Consultative services shall be available to all handicapped children as needed. The case load of a consultative teacher will be no more than 30. (b) Work-experience study shall be available to all handicapped secondary students as needed.					

7.02 (2) The following variations from these standards are approved without special application for variance and prior departmental approval, subject to the conditions and restrictions specified:

7.02 (2) (a) Administrative units may exceed the maximum case load limits in self-contained and resource classrooms by no more than two students or, if a full-time classroom aide is provided, by four students, when justified by local circumstances.

7.02 (2) (b) Administrative units may place children having different handicapping conditions, but similar educational needs, in the same special education program when justified by local circumstances.

7.02 (2) (b) (i) Maximum case loads for teachers of such programs shall be a compromise between those specified for the different handicapping categories. Such compromises will always strive to protect the interest of the child.

7.02 (2) (b) (ii) Teachers of such programs shall be endorsed in the handicapping category of the majority of their case load.

7.02 (3) Properly assigned home/hospital and specialty teachers shall be provided as needed to satisfy student needs, but are not required to be endorsed in special education.

7.03 Support Services. Support staff shall be provided to work directly with handicapped children as necessary to meet the specific needs of such children.

7.03 (1) All such services shall be directed toward, and controlled by, specific, individual educational objectives.

5. Connecticut

CONNECTICUT STATE DEPARTMENT OF EDUCATION
Division of Instructional Services
Bureau of Pupil Personnel and Special Educational Services
Hartford

REGULATIONS CONCERNING CHILDREN REQUIRING SPECIAL EDUCATION SECTION 10-76a to 10-76l, INCLUSIVE, OF THE GENERAL STATUTES

EFFECTIVE DATE: SEPTEMBER, 1980

REGULATIONS CONCERNING CHILDREN REQUIRING SPECIAL EDUCATION:

REGULATIONS FOR SECTION 10-76a TO 10-761, INCLUSIVE, OF THE GENERAL STATUTES

SECTION 10-76a DEFINITIONS

Sec. 10-76a Definitions

As used in these regulations, the following words shall have the following meanings.

Sec. 10-76a-1 "At no cost" means that all special education and related services shall be provided without charge to parents. This does not preclude incidental student fees which are normally charged to non-exceptional students or their parents as part of the regular education program. A board of education shall bear full responsibility for the total cost of any program or placement made primarily for special education reasons.

Sec. 10-76a-2 "Board of education" means a public body or public agency responsible for the education of children. This term shall include, but not be limited to, town or regional boards of education, regional vocational-technical schools, pursuant to Public Act Number 78-259, special school districts or systems as administered through state agencies, educational service centers and state agencies.

Sec. 10-76a-3 "Child" means any person under twenty-one years of age.

Sec. 10-76a-4 "Children requiring special education" includes any exceptional child who (1) is mentally retarded, physically handicapped, socially and emotionally maladjusted, neurologically impaired, or suffering from an identifiable learning disability which impedes his rate of development, which disability is amenable to correction or which rate of development may be improved by special education; or (2) has extraordinary learning ability or outstanding talent in the creative arts the development of which requires programs or services beyond the level of those ordinarily provided in regular school programs but which may be provided through special education as part of the public school program.

Sec. 10-76a-5 "Children....whose instructional program is provided primarily.... by special education personnel" means children requiring special education and related services (1) who spend two-thirds or more of their instructional time with teachers who are classified as special education instructional personnel; or (2) whose special education is provided through a contract between local board of education and a private school, agency or institution.

Sec. 10-76a-6 "Days" means school days unless otherwise specified.

Sec. 10-76a-7 "Dominant language" means the language most relied upon for communication in the home and the school.

Sec. 10-76a-8 "Evaluation" means a process whereby certified and/or licensed professionals identify and assess the specific educational strengths and weaknesses of the child for the purpose of determining educational recommendations.

Sec. 10-76a-9 "Exceptional child" means a child who deviates either intellectually, physically, socially or emotionally so markedly from normal expected growth and development patterns that he or she is or will be unable to progress effectively in a regular school program and needs a special class, special instruction, or special services.

Sec. 10-76a-10 "Independent evaluation" means an evaluation performed by a certified and/or licensed professional examiner who is not employed by the board of education responsible for the education of the child.

Sec. 10-76a-11 "Individualized education program" means a separate written plan for each child which shall be developed by a planning and placement team to meet the needs of each child requiring special education and related services.

Sec. 10-76a-12 "Least restrictive environment" means an educational environment which meets the needs of a child requiring special education and related services as set forth in the child's individualized education program and which, to the maximum extent appropriate to the child's needs, ensures that the child will be educated with children not requiring special education and related services.

Sec. 10-76a-13 "Mediation" means an optional process whereby parents and school officials jointly submit a written request to the Secretary of the State Board of Education for the appointment of a mediator, knowledgeable in the fields and areas significant to such educational review of the child, in order to attempt to work out a solution acceptable to both the board of education and the parents.

Sec. 10-76a-14 "Parents" means a parent, parents, guardian or surrogate parent as defined in Section 10-94h of the General Statutes. The rights of a parent shall transfer to a student who has reached the age of eighteen years.

Sec. 10-76a-15 "Parties" means the board of education and the parents and the child, if age eighteen or over.

Sec. 10-76a-16 "Planning and placement team" means a group of certified and/or licensed professionals, who represent each of the teaching, administrative and pupil personnel staffs and who participate equally in the decision making process to determine the specific educational needs of the child and develop an individualized educational program for the child. These shall be persons knowledgeable in the areas necessary to determine and review the appropriate educational program for an exceptional child.

Sec. 10-76a-17 "Preschool children requiring special education" means children who have attained the age of three years by January first of the school year whose degree and type of exceptionality, based on evaluation by the planning and placement team, is such that the absence of special education will impair the child's educational development to the extent that it is unlikely that the child will be able to make satisfactory educational progress when the child attains school age.

Sec. 10-76a-18 "Private facility" means any facility that provides special education and related services to children, but is not a board of education as defined by these regulations.

Sec. 10-76a-19 "Related services" means services to a child recommended by the planning and placement team which may include the following services: psychological, health, language, speech and hearing, guidance, social work, transportation, physical and occupational therapy, translation, parent counseling and training in understanding the educational needs of the child, and any medical services required for diagnostic or evaluation purposes.

Sec. 10-76a-20 "School age child" means any person over five and under twenty-one years of age who is not a graduate of a high school or vocational school or who is not otherwise legally excluded from school.

Sec. 10-76a-21 "Special education" means special classes, programs or services designed to meet the educational needs of exceptional children in accordance with the regulations of the Secretary of the State Board of Education, subject to approval by the State Board of Education.

Sec. 10-76a-22 "Special education personnel" are (1) "pupil personnel staff" who are employees of a board of education who, for at least one-third of their employment time, are assigned exclusively to the task of implementing or supervising special education programs, or (2) "special education instructional personnel" who are employees of a board of education who, for at least one-half of their employment time, are assigned exclusively to the task of implementing or supervising special education programs.

Sec. 10-76a-23 "Subject to the approval" means at such time and in such manner as the State Board of Education shall deem approval necessary.

Definitions of Exceptionalities

Sec. 10-76a-24 "Extraordinary learning ability" means a child identified by the planning and placement team as gifted and talented on the basis of either performance on relevant standardized measuring instruments, or demonstrated or potential achievement or intellectual creativity, or both. The term shall refer to the top five per cent of children so identified.

Sec. 10-76a-25 "Gifted and talented" means a child identified by the planning and placement team as (1) possessing demonstrated or potential abilities that give evidence of very superior intellectual, creative or specific academic capability and (2) needing differentiated instruction or services beyond those being provided in the regular school program in order to realize their intellectual, creative or specific academic potential. The term shall include children with extraordinary learning ability and children with outstanding talent in the creative arts as defined by these regulations.

Sec. 10-76a-26 "Hearing impaired" means a child with a measurable hearing impairment which, with or without amplification, impairs linguistic processing and adversely affects educational performance. The term shall include both hard of hearing and deaf children.

Sec. 10-76a-27 "Identifiable learning disability" means a child who demonstrates a severe discrepancy between educational performance and measured intellectual ability and who exhibits a disorder in one or more of the basic psychological processes as indicated by a diminished ability to listen, speak, read, write, spell or do mathematical calculation or reasoning. The term shall not include children who have learning problems which are primarily the result of visual, hearing or physical handicaps, or of mental retardation.

Sec. 10-76a-28 "Mentally retarded" means one who, by reason of retarded mental development, is not capable of profiting from the educational programs of the public schools established for the normal child; an "educable" mentally retarded child means one who, at maturity, cannot be expected to attain a level of intellectual functioning greater than that commonly expected from a child of twelve years of age but who can be expected to attain a level of intellectual functioning greater than that of a seven-year-old child; a "trainable" mentally retarded child means one who, at maturity, cannot be expected to attain an intellectual functioning greater than that commonly expected of a seven-year-old child, but greater than that of a four-year-old child; a "severely or profoundly" mentally retarded child means one who, at maturity, cannot be expected to attain an intellectual functioning greater than that commonly expected of a four-year-old child.

Sec. 10-76a-29 "Multi-handicapped" means a child with a combination of identifiable handicaps.

Sec. 10-76a-30 "Neurologically impaired" means a child with an impairment of the nervous system diagnosed by an appropriate medical specialist as the cause of physical and psychological disabilities which significantly impede the child's rate of educational development and which can be corrected or ameliorated by special education to the extent that the child's rate of educational development may be improved.

Sec. 10-76a-31 "Orthopedically impaired" means a child with a severe orthopedic impairment which adversely affects the child's educational performance. The term includes impairments caused by congenital anomaly, impairments caused by disease, and impairments from other causes, but does not include a temporary condition which is anticipated to be of less than three weeks' duration.

Sec. 10-76a-32 "Other health impaired" means a child with limited strength, vitality or alertness, due to chronic or acute health problems, which is anticipated to be of more than three weeks' duration.

Sec. 10-76a-33 "Outstanding talent in the creative arts" means a child identified by the planning and placement team as gifted and talented on the basis of demonstrated or potential achievement in music, the visual arts or the performing arts. The term shall refer to the top five per cent of children so identified.

Sec. 10-76a-34 "Physically handicapped" means a child with a physical condition which significantly impedes the child's rate of educational development and which can be corrected or ameliorated by special education to the extent that the child's rate of educational development may be improved. The term shall include such conditions as "orthopedically impaired" and "other health impaired" as defined by these regulations.

Sec. 10-76a-35 "Pregnancy" shall be deemed a condition which grants eligibility for special education and related services.

Sec. 10-76a-36 "Socially and emotionally maladjusted" means a child with a psychological condition, stemming from inter- or intra-personal conflict, which manifests itself in behavior which significantly impedes the child's rate of educational development. The term emotionally maladjusted shall refer to a child whose condition includes one or more of the following characteristics:

(a) An inability to build or maintain satisfactory inter-personal relationships with peers and teachers;
(b) Inappropriate types of behavior or feelings under normal circumstances;
(c) A general pervasive mood of unhappiness or depression; or
(d) A tendency to develop physical symptoms or fears associated with personal or school problems.

The term socially maladjusted shall refer to a child who continuously exhibits behaviors that do not meet minimal social standards for conduct required in the school and whose inability to adjust to such standards results in a significant disruption of educational development for the child and/or other students. The term socially maladjusted shall apply only where the cause of the child's deviant behaviors is emotional maladjustment.

Sec. 10-76a-37 "Speech and/or language impaired" means a child with a communication disorder which adversely affects the child's educational performance. Impaired speech is characterized by fluency or voice or articulation impairment. Impaired language is characterized by difficulties in processing language at the level of phonology, morphology, syntax and semantics both in encoding and decoding tasks, which difficulties affect the spoken, read and/or written forms of language.

Sec. 10-76a-38 "Visually handicapped" means a child with measurable visual impairment which, even after correction, continues to adversely affect the child's educational performance. The term shall include both partially seeing and blind children.

requirements as set forth in Section 10-76d-4(a) (1) through (3) of these regulations. To receive reimbursement for rental of special education facilities, a board of education shall document that adequate space is not available in in any of its public school buildings and that rental is necessary because of improvement in or expansion of the special education programs. Rented facilities for special education may be used to house regular classes where such use is a means of initiating or improving special education programs or facilities within a regular public school building.

(b) Equipment

Each board of education shall provide education equipment and materials sufficient to meet the requirements of each child's individualized education program.

(1) The board of education shall maintain an inventory of all education equipment costing more than two hundred dollars per unit if the cost of the equipment is included in special education costs for purposes of payment. The inventory shall identify the equipment and state its cost, date of purchase and current use or disposition. Records of inventories of such education equipment shall be retained for three years beyond the useful life or disposition of the equipment.

(2) All equipment and materials for which full payment is sought shall be used exclusively for special education and related services. payment for all shared equipment and materials shall be prorated in accordance with the proportion of time such equipment and materials are used for special education and related services.

Sec. 10-76d-5 Class Size and Composition

The number and age range of children requiring special education and related services assigned to a class shall be such that the specifications of each child's individualized education program can be met.

Sec. 10-75d-6 Identification and Eligibility of Students

Each board of education is responsible for the identification of children requiring special education and related services. This responsibility shall include cooperating with other agencies in a position to identify children requiring special education and related services. Determination of a child's

6. Delaware

Delaware

ADMINISTRATIVE MANUAL
FOR
PROGRAMS FOR EXCEPTIONAL CHILDREN

October, 1977

Revised 9/80

Revised 10/30/83

THE DELAWARE DEPARTMENT OF PUBLIC INSTRUCTION

WILLIAM B. KEENE, *State Superintendent*

JOHN J. RYAN, *Acting Deputy State Superintendent*
and Assistant State Superintendent,
Administrative Services

RANDALL L. BROYLES, *Assistant State Superintendent*
Instructional Services

CARL M. HALTOM, *State Director*
Exceptional Children/Special Programs

k. Due process procedures for parents and students.

l. Program review and evaluation

m. Management procedures

C. Administration of Special Education Services

Each district, individually or in consortium arrangement, shall assume administrative and leadership responsibility for district(s)-wide programming for exceptional children exclusive of any special school programs administered by the district(s). If a special education unit is used for this purpose, the sole responsibility of the position shall be supervision of programs for exceptional children and the individual must be a teacher, coordinator, supervisor or director certified in the area of exceptional children.

D. Continuum of Services

Educational programs and supportive services of every district shall offer a range of alternatives designed to meet the individual needs of all children and youth who are residents of that district. Such a continuum of services, developed in consultation with the State Department of Public Instruction and other public agencies shall consider the uniqueness of individuals and the variations in their educational needs. (The description of such a continuum at each of its levels, is found in Appendix III.)

Level I - Regular classroom with consultant services

Level II - Regular classroom with supportive or part-time services (resource room)

Level III - Special education classroom with part-time mainstream experiences

Level IV - Full time special education classroom (full school day)

Level V - Special school

Level VI - Supportive instruction at school, home, or hospital

Level VII - Residential schools and treatment centers

E. Continuum of Services: District Responsibilities

It shall be the responsibility of each school district to develop and maintain educational programs Levels I through IV. The location of Level IV is dependent on the number and needs of children and may be established in the home district or may require the cooperative efforts of several districts and possibly any other public agency, as specified in administrative agreements. Such agreements shall be required for programs at Levels V and VII, shall delineate the roles and responsibilities of all participating agencies, shall be signed by the administrative heads of all such agencies and shall be approved by the State Board of Education.

F. Eligibility of Exceptional Children for Services

1. Programs may be provided for exceptional children who are between the ages of 4 and 21 (§3101, Title 14) and for children who are hearing or visually impaired, or deaf-blind, (between birth and 21 years; § 1703, Title 14; § 2501 and § 2503, Title 31); trainable mentally handicapped, severely mentally handicapped, autistic, or physically impaired (between 3 and 21 years: § 3101, Title 14).

   a. In programs for handicapped children, the child is to be the minimum age on or before January 1 of the school year. Handicapped children reaching the minimum age after January 1, may be granted an exception to the above if recommended by a staff conference and approved by the district superintendent. However, these children cannot be included for unit funding.

   b. Gifted or talented children who have become four years of age on or before September 1 may be admitted for educational placement at the beginning of the school year in September providing:

      (1) Application has been made to the superintendent of the district in which the child resides. Such application must be completed before April 1 whereupon arrangement will be made for testing of the child applicant.

      (2) The child is identified as gifted or talented according to the procedures contained in the Guidelines for Programs for Gifted and Talented Students. Each four year old child must have an IEP.

   c. Students in special education who attain age 21 after September 30 (except July 1 for Complex or Rare), may continue their school placement until the end of the school year.

G. Criteria for Eligibility

The child shall be considered eligible to be counted in the appropriate section of the unit funding system noted in the Delaware Code, Section 1703, Title 14. Individual Evaluation Reports from the appropriate specialist(s) noted in parentheses after each eligibility criterion shall be considered.

1. Visual Impairment

The child's sensory visual impairment is such that he or she cannot develop his educational potential without special services and materials.

a. A blind child is one who has a visual acuity of 20/200 or less in the better eye, with best correction, or a peripheral field so contracted that the widest diameter of such field subtends an angular distance no greater than 20 degrees. (Ophthalmologist or Optometrist)

b. A partially sighted child is one who has a visual acuity between 20/70 and 20/200 in the better eye with best correction or who has a disease of the eye or body that seriously affects vision. (Ophthalmologist or Optometrist)

2. Hearing Impairment

An impairment within the auditory system which may interfere with, or preclude, the ability to consistently and appropriately interpret spoken language through audition. A child may be considered for a hearing impaired instructional unit if the auditory impairment hinders educational progress in a regular educational program. However, admission to or the establishment of a hearing impaired unit must be consistent with Section IV. E. (Audiologist)

3. Physical Impairment

The child exhibits a physical or health impairment of such extent that it interferes significantly with his/her learning and/or requires adaptation of the physical plant. Under this definition are crippling impairments resulting from interference with the normal functions of the bones, joints, or muscles (orthopedically handicapped), or due to lack of complete development or injury to the central nervous system (neurologically impaired). (Physician)

4. Speech and/or Language Impairment

The child exhibits a disorder of oral communication exhibited in articulation, voice, rhythm, or verbal language to such a degree that it interferes with self-expression, ability to comprehend the child's speech, or causes the child to become maladjusted. (Speech and Language Therapist)

5. Learning Disability

The child exhibits a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write or spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, or mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage. (Psychologist)

A multi-disciplinary evaluation team may determine that a child has a learning disability if:

a. The child does not achieve commensurate with his or her age and ability levels in one or more of the areas listed below in this section, when provided with learning experiences appropriate for the child's age and ability levels.

b. The team finds that a child has a severe discrepancy between achievement and intellectual ability in one or more of the following areas:

   - b-1 Oral expression
   - b-2 Listening comprehension
   - b-3 Written expression
   - b-4 Basic reading skill
   - b-5 Reading comprehension
   - b-6 Mathematics calculation
   - b-7 Mathematics reasoning

c. The team may not identify a child as having a learning disability if the severe discrepancy between ability and achievement is primarily the the result of:

   - c-1 A visual, hearing or motor handicap
   - c-2 Mental retardation
   - c-3 Emotional disturbance
   - c-4 Environmental, cultural or economic disadvantage

6. Social or Emotional Maladjustment

The child exhibits behavior representative of conflict between self and environment repeatedly and over time to such an extent and duration that it significantly affects the learning process.

a. Acting out behavior such as unpredicted and unprovoked hitting, aggressive, and disruptive behaviors.

b. Withdrawing behavior such as absence of speech, depression, impulsive and obsessive behaviors.

c. Defensive behaviors such as compulsive eating, manipulation, or running away from home or school.

d. Disorganized behaviors such as out-of-touch with reality, self-abusive behavior, lack of self control. (Psychologist and/or Psychiatrist)

7. Mental Retardation

Eligibility is based upon the American Association on Mental Deficiency (AAMD) definition: "Mental retardation refers to significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior, and manifested during the developmental period." All student assessment for level of retardation and educational placement, must be considered in relation to the assessed functioning level both in adaptive behavior and in the level of intellectual functioning. Certification of eligibility shall be determined both by an individual psychological evaluation of subaverage general intelligence and by adaptive behavior as defined by the AAMD. Examples are:

a. Educable mentally handicapped shall range between 75 and 50 I.Q. points inclusive. Maturation and development up to age 5 may be described as limited or poor social awareness, fair motor development, ability to talk and communicate, need for greater self-help skills, manageable with moderate supervision. Training and development from 6 to 21: Able to learn functional academic skills; cannot learn general high school subjects. (Psychologist)

b. Trainable mentally handicapped shall range between 55 and 35 I.Q. points. Maturation and development from 0 to age 5; speech is minimal; little or no communication skills; generally unable to perform independently. Training and development from 6 to 21: Can learn to talk and communicate, can learn elementary health habits, cannot learn functional academic skills; profits from systematic habit training. (Psychologist)

c. Severely mentally handicapped shall be in the range below 35 I.Q. points. Maturation and development from 0 to age 5: Gross retardation; minimal capacity for functioning in sensori-motor areas; needs nursing care. Training and development from 6 through 20 inclusive: Some motor development present; is incapable of being trained in total self-care, socialization or economic usefulness and needs continued help in taking care of personal needs. (Psychologist)

8. Autistic

Autistic children are those who have been determined by individual psychological or psychiatric examination to have the specific disability of autism. The behavioral manifestations of autism include some combination of the following: Inability to use language for appropriate communication, a history of inability to relate appropriately to other individuals and continued impairment in social interaction from infancy or early childhood, an obsession to maintain sameness, a preoccupation with objects and/or inappropriate use of objects, extreme resistance to controls, and/or exhibition of peculiar motoric mannerisms and motility patterns. (Psychologist/Psychiatrist)

9. Complex or Rare

A "complex or rare" handicapped person is defined as a person in the chronological age group four through twenty years inclusive who is found to suffer from two or more of the defined handicaps, or who is so severely afflicted by a single handicap, that the total impact of the condition means that he or she cannot benefit from the regularly offered free appropriate public educational programs.

When an individual has a handicapping condition(s) that is so severe or complex that no program can be provided with Levels I through VII of the statewide continuum of services available through the districts or any other public agency, the individual will be eligible for consideration by the State Level Placement Committee who may recommend a unique or alternative program as documented by certification checklist (Section IV).

10. Gifted or Talented

"Gifted or talented person" means a person in the chronological age group four through twenty years inclusive, who by virtue of certain outstanding abilities is capable of a high performance in an identified field. Such an individual, identified by professionally qualified persons, may require differentiated educational programs or services beyond those normally provided by the regular school program in order to realize his or her full contribution to self and society. A person capable of high performance as herein defined includes one with demonstrated achievement and/or potential ability in any of the following areas, singularly or in combination:

a. General intellectual ability
b. Specific academic aptitude
c. Creative or productive thinking
d. Leadership ability
e. Visual and performing arts ability
f. Psychomotor ability

11. Deaf-Blind

"Deaf-Blind" means concomitant hearing and visual impairment, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children or other handicapping conditions without specialized and unique intervention techniques indigenous to the dual impairments. Additional handicaps of a physical, mental and emotional nature frequently accompany a deaf-blind impairment and require services related to the condition(s). (Audiologist and Ophthalmologist)

H. Safeguards Relating to Student Records

Each district or any other public agency providing services to exceptional children for the purpose of determining present and future program and placement needs of exceptional children, shall maintain support documentation for audit purposes and for statistical reporting.

IV. PROGRAMS FOR EXCEPTIONAL CHILDREN -- INTERAGENCY AND UNIQUE ALTERNATIVES

A. Interagency programs shall be in accordance with the State comprehensive plan for the delivery of services to exceptional children. In order to provide a systematic delivery of services, the State Department of Public Instruction shall assist districts or any other public agency in the documentation of the need for services and in the development, implementation and evaluation of regional or statewide programs.

B. Interagency programs at level IV, V and VII shall receive the related and administrative services of the district or any other public agency administering the program. An interagency program which provides for one or more categories of exceptional children who need a concentration of expertise, special facilities and/or equipment shall be eligible for administrative and related personnel as follows:

1. A principal trained in special education shall be employed in any special school with 15 or more units. (Delaware Code, § 1307, Title 14)

2. Teaching units shall be allocated in accordance with § 1703, Title 14.

3. When determining the staff of special schools, (except for physical therapists, occupational therapists and speech therapists) the units shall be counted without regard to the handicap that each represents.

4. Any school district having classes for the trainable mentally handicapped, severely mentally handicapped, the orthopedically handicapped, the autistic, the partially deaf or hard of hearing, or the deaf-blind as provided in § 1703, Title 14, may employ teachers, attendants or aides as required, subject to the qualifications promulgated by the State Board of Education. (§ 1324, Title 14) All paraprofessionals in such programs must work under the direct supervision of teachers.

   a. Trainable Unit -- One classroom teacher or in lieu of a teacher, two aides may be employed as long as the number of aides does not exceed the number of teachers in any given special school, and that all aides work under the direct supervision of teachers. Such teachers or aides who work during the eleventh and twelfth months shall be paid for two hundred twenty-two (222) days.

   b. Severely Mentally Handicapped Unit -- One classroom teacher and one classroom aide may be employed per unit in any given special school. In lieu of the teacher, two additional aides may be employed as long as the number of aides does not exceed the number of teachers in any given school by a 2 to 1 ratio. All aides shall work under the direct supervision of teachers. Such teachers or aides who work during the eleventh and twelfth months shall be paid for two hundred twenty-two (222) days.

   c. Autistic Units -- One teacher and one aide may be employed per unit. Such teachers or aides who work during the eleventh and twelfth months shall be paid for two hundred twenty-two (222) days.

   d. Orthopedic Units -- One classroom teacher and either one aide or attendant may be employed per unit in any given special school.

   e. Hearing Impaired Unit -- One classroom teacher and one aide per primary unit, one classroom teacher and one aide for other units (grades 4-12), and one clerk-aide for the parent-child program may be employed in any given special school.

   f. The use and ratio of aides/attendants to teachers shall be dependent upon the rationale developed in the agency operational plan(s).

   g. Deaf-Blind Unit -- One classroom teacher and one classroom aide may be employed per unit. In lieu of the teacher, two additional aides may be employed as long as the number of aides does not exceed the number of teachers in any given school by a 2 to 1 ratio. Such teachers or aides who work during the eleventh and twelfth months shall be paid for two hundred and twenty-two (222) days.

5. A nurse shall be employed for eight (8) or more units of autistic, orthopedically handicapped, trainable mentally handicapped, severely mentally handicapped or a combination thereof and for the hearing impaired as per regular district formula, i.e., 40:1.

6. A twelve-month secretary shall be eligible to be employed for ten (10) units of autistic, orthopedically handicapped, trainable mentally handicapped, severely mentally handicapped, hearing impaired, deaf-blind or combination thereof.

7. Custodial services shall be provided upon the regular custodial formula with consideration given for residence hall care in accordance with Section 1311, Title 14, and the "Handbook of Personnel Administration for Delaware School Districts."

8. An instructional media specialist shall be assigned to the school for the hearing impaired when there are a minimum of ten (10) units.

9. A budget item shall be provided for contractual services in order to give to a school for hearing impaired, the appropriate services in such fields as, but not limited to, speech pathology, school psychology, social work, guidance counseling.

10. Whenever the State Board of Education designates a particular school district to serve as administrator for the statewide program for deaf-blind pupils that district may employ as a statewide coordinator at the principal's rank and salary, a principal for eight (8) or more such units of deaf-blind children. If a principal is assigned responsibility for such a program for fewer than eight (8) units, the support for that assignment shall be in the same ratio as the number of authorized units is to eight (8) units.

IV. PROGRAMS FOR EXCEPTIONAL CHILDREN -- INTERAGENCY AND UNIQUE ALTERNATIVES

A. Interagency programs shall be in accordance with the State comprehensive plan for the delivery of services to exceptional children. In order to provide a systematic delivery of services, the State Department of Public Instruction shall assist districts or any other public agency in the documentation of the need for services and in the development, implementation and evaluation of regional or statewide programs.

B. Interagency programs at level IV, V and VII shall receive the related and administrative services of the district or any other public agency administering the program. An interagency program which provides for one or more categories of exceptional children who need a concentration of expertise, special facilities and/or equipment shall be eligible for administrative and related personnel as follows:

1. A principal trained in special education shall be employed in any special school with 15 or more units. (Delaware Code, § 1307, Title 14)

2. Teaching units shall be allocated in accordance with § 1703, Title 14.

3. When determining the staff of special schools, (except for physical therapists, occupational therapists and speech therapists) the units shall be counted without regard to the handicap that each represents.

4. Any school district having classes for the trainable mentally handicapped, severely mentally handicapped, the orthopedically handicapped, the autistic, the partially deaf or hard of hearing, or the deaf-blind as provided in § 1703, Title 14, may employ teachers, attendants or aides as required, subject to the qualifications promulgated by the State Board of Education. (§ 1324, Title 14) All paraprofessionals in such programs must work under the direct supervision of teachers.

   a. Trainable Unit -- One classroom teacher or in lieu of a teacher, two aides may be employed as long as the number of aides does not exceed the number of teachers in any given special school, and that all aides work under the direct supervision of teachers. Such teachers or aides who work during the eleventh and twelfth months shall be paid for two hundred twenty-two (222) days.

   b. Severely Mentally Handicapped Unit -- One classroom teacher and one classroom aide may be employed per unit in any given special school. In lieu of the teacher, two additional aides may be employed as long as the number of aides does not exceed the number of teachers in any given school by a 2 to 1 ratio. All aides shall work under the direct supervision of teachers. Such teachers or aides who work during the eleventh and twelfth months shall be paid for two hundred twenty-two (222) days.

c. Autistic Units -- One teacher and one aide may be employed per unit. Such teachers or aides who work during the eleventh and twelfth months shall be paid for two hundred twenty-two (222) days.

d. Orthopedic Units -- One classroom teacher and either one aide or attendant may be employed per unit in any given special school.

e. Hearing Impaired Unit -- One classroom teacher and one aide per primary unit, one classroom teacher and one aide for other units (grades 4-12), and one clerk-aide for the parent-child program may be employed in any given special school.

f. The use and ratio of aides/attendants to teachers shall be dependent upon the rationale developed in the agency operational plan(s).

g. Deaf-Blind Unit -- One classroom teacher and one classroom aide may be employed per unit. In lieu of the teacher, two additional aides may be employed as long as the number of aides does not exceed the number of teachers in any given school by a 2 to 1 ratio. Such teachers or aides who work during the eleventh and twelfth months shall be paid for two hundred and twenty-two (222) days.

5. A nurse shall be employed for eight (8) or more units of autistic, orthopedically handicapped, trainable mentally handicapped, severely mentally handicapped or a combination thereof and for the hearing impaired as per regular district formula, i.e., 40:1.

6. A twelve-month secretary shall be eligible to be employed for ten (10) units of autistic, orthopedically handicapped, trainable mentally handicapped, severely mentally handicapped, hearing impaired, deaf-blind or combination thereof.

7. Custodial services shall be provided upon the regular custodial formula with consideration given for residence hall care in accordance with Section 1311, Title 14, and the "Handbook of Personnel Administration for Delaware School Districts."

8. An instructional media specialist shall be assigned to the school for the hearing impaired when there are a minimum of ten (10) units.

9. A budget item shall be provided for contractual services in order to give to a school for hearing impaired, the appropriate services in such fields as, but not limited to, speech pathology, school psychology, social work, guidance counseling.

10. Whenever the State Board of Education designates a particular school district to serve as administrator for the statewide program for deaf-blind pupils that district may employ as a statewide coordinator at the principal's rank and salary, a principal for eight (8) or more such units of deaf-blind children. If a principal is assigned responsibility for such a program for fewer than eight (8) units, the support for that assignment shall be in the same ratio as the number of authorized units is to eight (8) units.

§ 1703. Unit of pupils.

AMENDED
61 DEL 190
S. 353
8/13/77

AMENDED
61 DEL 516
HB 1007
7/12/78

AMENDED
62 DEL 160
HB 469
7/12/79

(d) In the cases of exceptional children the following conditions for the calculations of the number of units shall prevail: Classes for the educable mentally handicapped, 1 unit for 15 children; classes for the trainable mentally handicapped and severely mentally handicapped, 1 unit for 6 children; classes for the socially or emotionally maladjusted, 1 unit for 10 children; classes for the partially sighted, 1 unit for 10 children, except that even though the pupil count may be less than otherwise required by this chapter, there shall be a minimum of one (1) class for the partially sighted in each county; classes for the orthopedically handicapped, 1 unit for 6 children; classes for the partially deaf or hard of hearing, 1 unit for 6 children; classes for autistic children, 1 unit for 4 children. When classes for the blind are established as approved by the State Board of Education and the Delaware Commission for the Blind, the unit for classes for the blind shall be 8. When classes for the deaf-blind are established as approved by the State Board of Education, the unit for these classes shall be 4. For those children in the classification designated as having "learning disabilities" the unit shall be 8. A major fraction shall be considered a unit and shall consist of any fraction greater than one-half. The number of children mentioned in this paragraph shall not be counted in any other calculation of units.

AMENDED
61 DEL 190
S. 353
8/13/77

AMENDED
61 DEL 516
HB 1007
7/12/78

(e) Programs shall be conducted on a 12-month schedule for children who are identified as severely mentally handicapped, autistic, or deaf-blind. Such programs shall not exceed 217 pupil days and 222 teacher days in length. Enrollment of pupils beyond 180 days per year in any such program will be on a voluntary basis upon application by the parent, guardian, or other person legally responsible for the enrollee. The State share of the salary paid to teachers for the number of units authorized in accordance with the rules and regulations of the State Board of Education during the 11th and 12th months shall be at the rate of number of days employed multiplied by 1/185 of the particular teacher's entitlement for a regular school year.

AMENDED
61 DEL 215
HB 214
2/10/78

(f) Programs shall be conducted on a 12-month schedule for children who are identified as trainable mentally handicapped. Such programs shall not exceed 217 pupil days and 222 teacher days in length. Enrollment of pupils beyond 180 days per year in any such program will be on a voluntary basis upon application by the parent. The State share of the salary paid to teachers for the number of units authorized in accordance with the rules and regulations of the State Board of Education during the 11th and 12th months shall be at the rate of number of days employed multiplied by 1/185 of the particular teacher's entitlement for a regular school year.

VI. APPROVABLE CLASS SIZE AND CASELOADS

The standards reflect approvable teacher loads at any given time during the school year. Variations may be approved upon request to the Director of Special Education, Department of Elementary and Secondary Education. Justification for approved variations may include, but not be limited to, consideration of the availability of certified personnel, the incidence of eligible children, their specified IEP requirements, and the availability of alternative resources for service.

	Educational Resource Teacher	Itinerant Teacher	Resource Room	Self Contained
Mental Retardation	15-25 students for each approved caseload	10-20	10-20	6-10
Specific Learning Disabilities		10-20	10-20	6-10
Behavior Disorders		10-20	10-20	6-10
Physically & Other Health Impaired		10-20	8-15	5-8
Visually Impaired		10-20	8-15	5-8
Hearing Impaired		10-20	8-15	5-8
Multiply Handicapped		---	6-10	4-6
Deaf/Blind		---	6-10	4-6
Autistic		—	6-10	4-6
Speech and Language Disorders		40-60	8-15	6-10
Severely Handicapped		---	---	6-10
Early Childhood Special Education	6-10 students for each approved class			

AMENDED
61 DEL 516
HB 1007
7/12/78

(k) In the case of children at the pre-kindergarten ages who are deaf bli partially deaf or hard of hearing, programs of instruction may be prepared, according to rules and regulations of the State Board of Education as authorized in § 203 of this title, that will provide special education and training for these children and their parents. The minimum age described in § 3101 of this title shall not be applicable to children served under this section. "Unit" or "unit of pupils" shall mean 6 children per unit. Units so established shall be based upon statewide needs and the program shall be an integral part of the Margaret S. Sterck School for Hearing Impaired. Time spent with each child each week may approximate the time devoted to kindergarten programs.

§ 1704. Number of units in a school district; method of calculation.

ATTY.GEN.
OPN.
AG 153

The number of units in each school district shall be calculated by the State Board of Education each year in the following manner:

As of the last day of September the number of units shall be calculated based on the total enrollment of pupils in each school district on that date.

7. District of Columbia

STATE REQUIREMENTS AND PROGRAM STANDARDS FOR SPECIAL EDUCATION IN THE DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA PUBLIC SCHOOLS
BOARD OF EDUCATION
SKILL
COMPETENCY
1804
KNOWLEDGE

Division of Special Education and Pupil Personnel Services
State Office for Special Education
District of Columbia
February, 1986

STATE REQUIREMENTS AND PROGRAM STANDARDS FOR SPECIAL EDUCATION IN THE DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA PUBLIC SCHOOLS

DISTRICT OF COLUMBIA BOARD OF EDUCATION

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Wilbur A. Millard

STATE DIRECTOR OF SPECIAL EDUCATION

Doris A. Woodson

February, 1986

TABLE OF CONTENTS

PREFACE AND OVERVIEW i

PURPOSE 1

DEFINITIONS 1

PART I POLICY REQUIREMENTS AND STANDARDS FOR SPECIAL EDUCATION IN THE DISTRICT OF COLUMBIA 5

- Right to a Free Appropriate Education 6
- Continuum of Services 7
- Identification, Referral, Evaluation, and Placement 8
- Individualized Education Program (IEP) 10
- Related Services 11
- Extended School Year 12
- Procedural Safeguards 13
- Graduation 15
- Facilities 16
- Staff Development 17
- Student Data and Reporting 18

PART II SPECIFIC REQUIREMENTS FOR SPECIAL EDUCATION PROGRAMS BY HANDICAPPING CONDITION 19

- Mentally Retarded 23
- Seriously Emotionally Disturbed 27
- Learning Disabled 29
- Speech/Language Impaired 31
- Hearing Impaired 32
- Visually Impaired 34
- Multiple Handicapped 36
- Deaf/Blind 37
- Orthopedically Impaired 38
- Other Health Impaired 39

FORMS 41

DISABILITIY AREAS

The following are the disability categories recognized by the District of Columbia Public Schools as the State Education Agency:

Mentally Retarded
Seriously Emotionally Disturbed
Learning Disabled
Speech/Language Impaired
Hearing Impaired
Visually Impaired
Multiple Handicapped
Deaf/Blind
Orthopedically Impaired
Other Health Impaired

MENTALLY RETARDED

DEFINITION

A student with significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects educational performance.

ELIGIBILITY

Mildy Retarded

A student is mildy retarded if he meets the following criteria as certified by a psychologist:

- The intelligence range is fifty to seventy (50-70) in consideration of more than two standard deviations below the mean of an individual standardized intelligence test; and
- Measured intelligence falls between two (2) and three (3) standard deviations below the mean and the assessed adaptive behavior shall fall below age and cultural expectations; and
- Verification that subaverage intellectual functioning exists concurrently with deficits in adaptive behavior.

Moderately Retarded

A student is moderately retarded if he meets the following criteria as certified by a psychologist:

- Intelligence range is thirty-five to fifty-five (35-55); and
- Measured intelligence falls between three (3) and four (4) standard deviations below the mean and the assessed adaptive behavior is below age and cultural expectations; and

MENTALLY RETARDED (Cont'd.)

- o Verification of the individuals level of adaptive behavior which includes the consideration of below grade-level achievements, motor development, self-help, social/affective language development and vocational skills; and
- o Adaptive behavior is not commensurate with students' chronological aged peers.

Severely Retarded

A student is severely retarded if he meets the following criteria as certified by a psychologist:

- o Intelligence range is below forty (40) in consideration of five (5) standard deviations below the mean on an individualized intelligence test; and
- o Verification of the individual's level of adaptive behavior in such areas as motor development, self-help, communication, social/affective and vocational skills; and
- o Presence of subaverage intellectual functioning existing concurrently with deficits in adaptive behavior; and
- o A prognosis that supervision is required for semi-independent living; and
- o Significant delay in the development of skills in initial cognitive and psycho-motor areas; and
- o Possible evidence of physical limitations and other health problems.

Profoundly Retarded

A student is profoundly retarded if he meets the following criteria as certified by a psychologist:

- o Intelligence range is below twenty (20), in consideration of five (5) standard deviations below the mean on an individual standardized intelligence test; and
- o Verification of the individual's level of adaptive behavior in such areas as motor development, self-help, communication, social/affective and vocational skills; and
- o Presence of subaverage intellectual functioning existing concurrently with deficits in adaptive behavior; and
- o A prognosis that continuous supervision and care over the entire life span will be required; and
- o Significant delay in the development of skills in initial cognitive and psycho-motor areas.

MENTALLY RETARDED (Cont'd.)

ENROLLMENT

Mildly Retarded

Student/teacher Ratios *(1)

	Elementary	Secondary
Itinerant	25 (caseload)	30 (caseload)
Part-time	15:1	15:1
Self-contained	12:1	12:1

Moderately Retarded

Student/teacher Ratios *(2)

	Elementary	Secondary
Itinerant	15 (caseload)	15 (caseload)
Part-time	12:1	12:1
Self-contained	10:1	10:1

Severely Retarded

Student/teacher Ratios *(3)

	Elementary	Secondary
Itinerant	N/A	N/A
Part-time	N/A	N/A
Self-contained	7:1	7:1

MENTALLY RETARDED (Cont'd.)

Profoundly Retarded

Student/teacher Ratios *(4)

	Elementary	Secondary
Itinerant	N/A	N/A
Part-time	N/A	N/A
Self-contained	6:1	6:1

* (1) With the assignment of an aide the caseload may be increased by no more than 3 students
* (2) With the assignment of an aide the caseload may be increased by no more than 2 students
* (3) With the assignment of an aide the caseload may be increased by no more than 2 students
* (4) With the assignment of an aide the caseload may be increased by no more than 1 student

SERIOUSLY EMOTIONALLY DISTURBED (Cont'd.)

ENROLLMENT

Student/teacher Ratios*

	Elementary	Secondary
Itinerant	20 (caseload)	25 (caseload)
Part-time	12:1	15:1
Self-contained	8:1	10:1

*With the assignment of an aide the caseload may be increased by no more than 2 students

LEARNING DISABLED

DEFINITION

A student with average or above intelligence with a disorder in one (1) or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations.

(1) This category includes conditions such as perceptual handicaps, brain injury, neurological impairment, minimal brain dysfunction, dyslexia, and developmental aphasia; and

(2) This category does not include children who have learning problems that are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

ELIGIBILITY

The following criteria shall be applied in identifying a student as learning disabled and in need of services in a special education program.

- The student must demonstrate a severe discrepancy between achievement and intellectual functioning levels in one or more of the following areas:
  - oral expression,
  - listening comprehension,
  - written expression,
  - basic reading skills,
  - reading comprehension,
  - mathematics calculation, or
  - developmental skills, e.g., motor skills, language development, memory skills (pre-academic skills); and
- The student's severe discrepancy between achievement and intellectual functioning must not be primarily attributable to emotional disturbance, a visual, motor or hearing handicap, mental retardation, economic or cultural differences or limited learning opportunities because of prolonged absence from school, lack of consideration for language differences and/or exposure to inadequate/inappropriate instructional practices.

LEARNING DISABLED (Cont'd.)

ENROLLMENT

Student/teacher Ratios*

	Elementary	Secondary
Itinerant	25 (caseload)	30 (caseload)
Part-time	15:1	15:1
Self-contained	10:1	10:1

* With the assignment of an aide the caseload may be increased by no more than 3 students

SPEECH/LANGUAGE IMPAIRED

DEFINITION

A student is considered speech or language impaired when his/her basic communication system, whether verbal, vocal, or gestural, evidences disorder deviation or developmental delay, in language, articulation, fluency or voice quality which adversely affects the student's educational performance, social adjustment or communication ability.

ELIGIBILITY

A student is speech/language impaired if he meets the following criteria as certified by a speech/language therapist/pathologist:

- articulation, language, voice, fluency, and/or hearing impairment range from a mild to severe developmental or non-maturational deficit; and
- speech and/or language is below the developmental norm for the student's mental age or expected potential;
- communication is hindered; and
- psycho-social adjustment is inhibited; or
- multiple communication disorders are the result of physical, intellectual, or emotional handicaps.

Student/teacher Ratios*

	Elementary	Secondary
Itinerant	60 (caseload)	70 (caseload)
Part-time	12:1	15:1
Self-contained	8:1	8:1

* With the assignment of an aide the caseload may be increased by no more than 2 students

HEARING IMPAIRED

(DEAF/HARD OF HEARING)

Hearing impaired is a generic term indicating a continuum of hearing loss from mild to profound as indicated on an audiogram. It includes subclassifications, deaf and hard of hearing.

DEFINITION

Deaf

A student whose impairment is so severe that he/she cannot process linguistic information through hearing, with or without amplification.

Hard of Hearing

A student who, with the use of a hearing aid, has residual hearing sufficient to enable successful processing of linguistic information through audition.

ELIGIBILITY

Deaf

A student is deaf if he meets the following criteria as certified by an audiologist:

- o Identification is based upon an evaluation by an audiologist and otolaryngologist (there is bilateral impairment in excess of 71 dB and connected speech is not understood at any intensity level); and
- o Communication must be augmented by signing, lip reading, cued speech and/or other methods.

Hard of Hearing

A student is hard of hearing if he meets the following criteria as certified by an audiologist:

- o Identification is based on an evaluation by an audiologist and otolaryngologist (greater than 20 dB); and

HEARING IMPAIRED (Cont'd.)

- Hearing acuity can be improved through amplification to maximize usage of residual hearing; and
- Evidence of both articulation deficits and delayed language development associated with hearing loss is present; and
- Communication skills sufficient to function, with supportive services, in the normal educational setting are present.

Enrollment

Student/teacher Ratios*

Deaf

	Elementary	Secondary
Itinerant	25 (caseload)	25 (caseload)
Part-time	8:1	8:1
Self-contained	6:1	8:1

Hard of Hearing

	Elementary	Secondary
Itinerant	25 (caseload)	25 (caseload)
Part-time	10:1	10:1
Self-contained	8:1	8:1

VISUALLY IMPAIRED

DEFINITION

A student with a visual handicap which, even with correction, adversely affects a child's educational performance. This category includes both partially sighted and blind.

Blind

A visual acuity of 20/200 or less in the better eye with the best correction, or a peripheral field so contracted that the widest diameter of such field subtends an angular distance no greater than 20 degrees.

Partially Seeing

A visual acuity between 20/70 and 20/200 in the better eye with best correction, or other dysfunctions or conditions that affect the vision.

ELIGIBILITY

Visually Impaired

A student is visually impaired if he meets the following criteria as certified by an opthalmologist:

- Opthalmological and medical data corresponds to specific visual requirements, which include degenerative eye disease such as retinitis pigmintosa and other related progressive eye conditions.
- Visual acuity is the primary criterion. That is, the student's field of vision must be limited to 20 degrees, as cited in the definitions; or the acuity in the better eye, with correction, must be 20/70 or less.

VISUALLY IMPAIRED (Cont'd.)

ENROLLMENT

Student/teacher Ratios *(1)

Blind

	Elementary	Secondary
Itinerant	15 (caseload)	20 (caseload)
Part-time	10:1	12:1
Self-contained	8:1	8:1

Student/teacher Ratios *(2)

Partially Sighted

	Elementary	Secondary
Itinerant	25 (caseload	30 (caseload)
Part-time	15:1	20:1
Self-contained	10:1	10:1

*(1) With the assignment of an aide caseload may be increased by no more than 2 students
*(2) With the assignment of an aide caseload may be increased by no more than 3 students

MULTIPLE HANDICAPPED

DEFINITION

A student with two (2) or more handicapping conditions that result in multisensory or motor deficiencies and developmental lags in the cognitive, affective, or psychomotor areas, the combination of which causes educational problems that cannot be accommodated in a special education program solely for one (1) of the impairments.

ELIGIBILITY

A student is eligible for services as multihandicapped when there is medical and/or psychological evidence of two or more of the acceptable disability categories, the combination of which would preclude the student making progress in a program designed for either one of the specific handicapping conditions, or in a non-categorial program where students have lesser degrees of impairment.

ENROLLMENT

Student/teacher Ratios*

	Elementary	Secondary
Itinerant	N/A	N/A
Part-time	N/A	N/A
Self-contained	8:1	8:1

* With the assignment of an aide the caseload may be increased by no more than 2 students

DEAF-BLIND

DEFINITION

A student with concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children.

ELIGIBILITY

A student is deaf-blind when there is medical certification of both auditory and visual impairment that enables the student to be classified as both deaf and blind.

ENROLLMENT

Student/teacher Ratio*

	Elementary	Secondary
Itinerant	N/A	N/A
Part-time	N/A	N/A
Self-contained	5:1	8:1

* With the assignment of an aide the caseload may be increased by no more than 3 students

ORTHOPEDICALLY IMPAIRED

DEFINITION

A physically handicapped student who has a severe orthopedic impairment that adversely affects the child's educational performance. This term includes the following:

(a) Impairments caused by congenital anomaly, such as club foot or absence of some members;

(b) Impairments caused by disease, such as poliomyelitis or bone tuberculosis; and

(c) Impairments from other causes, such as cerebral palsy, amputation, or fractures or burns that cause contractures.

ELIGIBILITY

- A student has amputations, neuromuscular, neurological or other conditions which impair mobility in a normal educational setting, and
- The disabling condition warrants ongoing medical intervention and physical adaptation programming such as physical and/or occupational therapy, and
- Requires an architecturally barrier-free setting, with accommodations made for wheelchairs, ramps, handrails, lowered drinking fountains, etc.

ENROLLMENT

Student/teacher Ratios*

	Elementary	Secondary
Itinerant	20 (caseload)	25 (caseload)
Part-time	12:1	15:1
Self-contained	10:1	12:1

* With the assignment of an aide the caseload may be increased by no more than 2 students

OTHER HEALTH IMPAIRED

DEFINITION

A student who has an autistic condition which is manifested by severe communication and other developmental and/or educational problems or has limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes which adversely affects a his education performance.

ELIGIBILITY

A student is eligible for special education as other health impaired under the following conditions as certified by a medical doctor.

- limited strength, vitality, and alertness
- chronic health condition or disease requiring medical supervision and monitoring or a combination of the following:
    - inability to use language for appropriate communication
    - a history of inability to relate appropriately to other individuals
    - continued impairment in social interaction from infancy or early childhood
    - an obsession to maintain sameness and preoccupation with objects
    - exhibition of peculiar mortoric mannerisms and mobility patterns

OTHER HEALTH IMPAIRED (Cont'd.)

ENROLLMENT

Student/Teacher Ratios*

Health Impaired

	Elementary	Secondary
Itinerant	N/A	N/A
Part-time	12:1	12:1
Self-contained	10:1	10:1

* With the assignment of an aide the caseload status may be increased by no more than 1 student

Autistic

	Elementary	Secondary
Itinerant	N/A	N/A
Part-time	N/A	N/A
Self-contained	6:1	7:1

*With the assignment of an aide the caseload may be increased by no more than 1 student

8. Florida

A RESOURCE MANUAL FOR THE DEVELOPMENT AND EVALUATION
OF
SPECIAL PROGRAMS FOR EXCEPTIONAL STUDENTS

VOLUME I-B: FLORIDA STATUTES AND STATE BOARD OF EDUCATION RULES: EXCERPTS FOR PROGRAMS FOR EXCEPTIONAL STUDENTS

Bureau of Education for Exceptional Students
Division of Public Schools

February 1982

CHAPTER 6A-6

SPECIAL PROGRAMS FOR EXCEPTIONAL STUDENTS

6A-6.301 Eligible exceptional students.

6A-6.301 Eligible exceptional students. An exceptional student shall mean any child or youth enrolled in or eligible for enrollment in the public schools of a district who requires special instruction or special education services to take full advantage of or respond to educational programs and opportunities because of a physical, mental, emotional, social or learning exceptionality as defined in rule 6A-6.3011 through 6A-6.3020, FAC. All students placed in exceptional student programs beginning July 1, 1977, who were not enrolled in such programs the prior school year shall meet the requirements established in state board of education rules for exceptional students in effect July 1, 1977. Students enrolled in a special program for exceptional students prior to July 1, 1977 and who continue in the same special program shall meet the requirements of the 1976-77 approved district procedures for special programs. This rule shall take effect July 1, 1977.

Specific Authority 229.053(1), 230.23(4)(m), 236.081(1)(c) FS. Law Implemented 228.041(19),(20), 229.565(2)(b)(c), 230.23(4)(m), 236.081(1)(c) FS. History New 6-17-74, Amended 9-5-74, Repromulgated 12-5-74, Amended 7-1-77.

6A-6.3011 Special programs for students who are mentally retarded.

6A-6.3011 Special programs for students who are mentally retarded.

(1) Mentally retarded — one who is significantly impaired in general intellectual functioning concurrent with deficits in adaptive behavior which are manifested during the developmental period. For purposes of funding, mentally retarded students shall be calssified as:

(a) Educable mentally retarded — one who is mildly imparied in intellectual and adaptive behavior and whose development reflects a reduced rate of learning. The measured intelligence of an educable mentally retarded student generally falls between two (2) and three (3) standard deviations below the mean and the assessed adaptive behavior falls below age and cultural expectations.

(b) Trainable mentally retarded — one who is moderately or severely impaired in intellectual and adaptive behavior and whose development reflects a reduced rate of learning. The measured intelligence of a trainable mentally retarded student generally falls between three (3) and five (5) standard deviations below the mean and the assessed adaptive behavior falls below age and cultural expectations.

(c) Profoundly mentally retarded — one who is profoundly impaired in intellectual and adaptive behavior and whose development reflects a reduced rate of learning. The measured intelligence of a profoundly retarded student generally falls below five (5) standard deviations below the mean and the assessed adaptive behavior falls below age and cultural expectations.

(2) Criteria for eligibility. A student is eligible for a special program for the mentally retarded if for the student:

(a) The measured level of intellectual functioning, as determined by performance on an individual test of intelligence, is two (2) or more standard deviations below the mean. The standard error of measurement may be considered in individual cases. The profile of intellectual functioning shows consistent sub-average performance in a majority of areas evaluated;

(b) The assessed level of adaptive behavior is below age and cultural expectations; and

(c) Sub-average performance on an individually administered standardized test of academic achievement for the appropriate age level is demonstrated. A behavioral observation or criterion referenced test for a student whose level of functioning is not appropriately measured by an academic test may be substituted.

(3) Procedures for student evaluation. The minimum evaluations for a student shall be:

(a) An appraisal of sensory functioning including vision and hearing assessment, and speech and language screening.

(b) A standardized test of academic achievement at the appropriate age level and administered individually.

(c) An adaptive behavior assessment.

(d) A standardized individual test of intellectual functioning individually administered by a professional person qualified in accordance with rule 6A-6.331(1), FAC.

(4) This rule shall take effect July 1, 1977.

Specific Authority 229.053(1), 230.23(4)(m), 236.081(1)(c) FS. Law Implemented 228.041(19), (20), 229.565(2)(b)(c), 230.23(4)(m)4., 236.081(1)(c) FS. History—New 7-1-77, Amended 7-2-79.

6A-6.3012 Special programs for students who are speech and language impaired.

6A-6.3012 Special programs for students who are speech and language impaired.

(1) Speech and language impaired — one whose basic communication system, whether verbal, gestural or vocal, evidences disorder, deviations or general developmental needs in language, speech, fluency or voice quality, which hinder ones academic learning, social adjustment, self help skills or communication skills.

(2) Criteria for eligibility. A student is eligible for special programs in speech and language if the student demonstrates one or more of the following impairments:

(a) Language. Receptive or expressive problems of processing (perception, understanding) or disorders of syntax, semantics, morphology or phonology.

(b) Speech. Nonmaturational articulation disorders characterized by substitutions, distortions or omissions of speech sounds.

(c) Fluency. Inappropriate rate or flow of speech characterized by any of the following: repetitions, prolongations, blocks, hesitations, interjections, broken words, revisions, incomplete phrases or ancillary movements that are indicative of stress or struggle.

(d) Voice quality. Disordered frequency, intensity, intonation, respiration or resonance inappropriate to student's age and sex.

(3) Procedures for screening.

(a) All kindergarten students and students who have not been enrolled previously in any school shall be screened for language, speech, fluency, and voice disorders prior to February 1. No student will be eligible for a special program on the basis of screening results alone.

(b) Students being considered for language or speech programs shall be screened for hearing.

(c) Students being considered for exceptional student programs, excluding gifted and homebound or hospitalized who may be screened on a referral basis, shall be screened for language, speech, fluency and voice disorders prior to staffing for eligibility.

(4) Procedures for student evaluation.

(a) Language and speech clinicians shall be responsible for implementing and conducting formal identification and diagnostic assessment programs for students evidencing a suspected disability in language, speech, fluency or voice.

(b) Standardized test instruments or published normative data in speech pathology shall be employed in assessment programs for students evidencing a suspected disability in language, speech, fluency or voice.

(c) Developmental and social history shall be included as part of the data base in assessment programs when determined appropriate by the speech clinician.

(d) Medical and psychological examinations shall be requested by the speech clinician when appropriate to the assessment of a suspected disability in language, speech, fluency or voice.

(5) Procedures for determining eligibility and educational placement. The language and speech clinician shall have the primary responsibility for recommending placement in special programs for the language and speech impaired. An eligibility staffing committee composed of the language and speech clinician and at least two (2) other professional personnel shall review the assessment data to recommend eligibility for the program.

(6) Procedures for dismissal or reassignment.

(a) Dismissal criteria shall be developed, based on established performance objectives, and shall be stated in measurable terms. Students shall be dismissed only when dismissal criteria are attained.

(b) Dismissal based on graduation or completion of school prior to completion of remediation shall include a referral to an appropriate agency when available.

(7) This rule shall take effect July 1, 1977.

Specific Authority 229.053(1), 230.23(4)(m), 236.081(1)(c) FS. Law Implemented 228.041(19), (20), 229.565(2)(b)(c), 230.23(4)(m), 236.081(1)(c) FS. History—New 7-1-77.

6A-6.3013 Special programs for students who are hearing impaired.

6A-6.3013 Special programs for students who are hearing impaired.

(1) Hearing impaired.

(a) Deaf — one who is born with or acquires prelingually, a hearing loss so severe unaided, that one cannot learn speech and language through normal channels; pure tone average of 500, 1000, 2000Hz, at seventy (70) decibels or more, ANSI, in the better ear.

(b) Hard of hearing — one who is born with or acquires a hearing loss which may range from mild to severe unaided and whose speech and language, though imperfect, are learned through normal channels; pure tone average of 500, 1000, 2000Hz between thirty (30) and sixty nine (69) decibels, ANSI, in the better ear.

(2) Criteria for eligibility. To be eligible for special programs for hearing impaired there shall be audiological evidence that the student is deaf or hard of hearing as described in (1)(a) and (b) above; and, because of hearing loss is unable to perform academically or to develop language at a level commensurate with the expected level without special education.

(3) Procedures for screening and referral. Audiometric screening and referral shall be in accordance with standards established in the Florida Plan for School Health Services mandated by the School Health Services Act of 1974.

(4) Procedures for student evaluation.

(a) Certificated teachers of the deaf, certificated or licensed psychologists, audiologists or hearing clinicians shall be responsible for implementing and conducting the formal evaluation of a student's receptive and expressive communication skills, academic achievement, hearing, intellectual functioning, and learning abilities.

(b) Tests to determine intellectual functioning and learning abilities shall be selected from non-language performance scales standardized on, or adapted for, the hearing impaired. Evaluation of academic achievement and communication skills shall take into consideration the student's intellectual functioning, degree of hearing loss and method of communication.

6A-6.3013 [continued] Special programs for students who are hearing impaired.

(5) Special program organization for students who are deaf.

(a) A district or a combination of districts shall utilise one (1) or more of the eligible programs as listed in rule 6A-6.311(1)(a), (b), (c), (e), and (g), FAC, with the following requirements:

1. Special class full time, more than half a day, in a regular school shall be taught by a teacher of the hearing impaired for the total curriculum and the age span in a full-time special class shall not exceed three (3) years.

2. Basic class supplemented by itinerant instruction, or a resource room program shall be taught by a teacher of the hearing impaired for academic subjects, speech and auditory training.

3. Basic class with supplementary consultation or special education services shall be taught by a speech and hearing clinician or educational audiologist for auditory training and speech.

4. Individual instruction in a home setting shall be taught by an early childhood specialist, a teacher of the hearing impaired or a speech and hearing clinician for language stimulation and speech development and shall be limited to hearing impaired children below five years of age.

5. Non-public residential or day school programs shall be through contractual arrangements or other written agreements as provided by rule 6A-6.361, FAC.

(b) When a school district wishes to initiate a program for hearing impaired students with only one (1) class and seeks approval in its district procedures document, the following creteria shall be met:

1. The teacher shall be certificated to teach the deaf.

2. Age span in the class shall not exceed three (3) years; and the level shall not go beyond first grade.

3. Growth potential of an early childhood and elementary program shall give evidence of at least three (3) classes within three (3) years and five (5) classes within five (5) years.

(c) Districts with existing programs of less than three (3) classes shall have a written agreement with another district having a program for the hearing impaired in the same geographic area to provide ongoing instructional consultation from a certificated teacher of the deaf.

(d) The size of the geographic area served by the program will be determined by the accessibility of the school in which the program for the hearing impaired is maintained, and by the transportation facilities that are available for use in transporting students between their homes and the school.

(6) Special program organization for students who are hard of hearing. A district or combination of districts offering programs for hard of hearing students shall utilize one (1) or more of the eligible programs as listed in rule 6A-6.311(1)(a), (b), (c), and (g), FAC, with the following requirements.

(a) Special class full-time, more than half a day, in a regular school shall be taught by a teacher of the hearing impaired for the total curriculum, and the age span in a full-time special class shall not exceed four (4) years.

(b) Basic class supplemented by itinerant instruction, or resource room program shall be taught by a teacher of the hearing impaired for academic subjects, speech and auditory training.

(c) Basic class with supplementary consultation or special education services shall be taught by a speech and hearing clinician or educational audiologist for auditory training and speech.

(d) Individual instruction in a home setting shall be taught by an early childhood specialist, a teacher of the hearing impaired or a speech and hearing clinician for language stimulation and speech development and shall be limited to hearing impaired children below age five (5).

(7) Instructional program for hearing impaired.

(a) The district shall have or adopt a written course of study for the program, updated as necessary, with sufficient scope and depth needed for individual educational plans. State and district adopted textbooks, supplemented with educational materials designed for deaf students shall be an integral part of the program.

(b) The district may not adopt a single philosophy of communication but shall make available the method(s) of communication to meet the needs of deaf students. Each deaf student shall have the opportunity to learn speech and the use of residual hearing through modern amplification equipment.

(c) Special full-time and resource room classes for hard of hearing students shall be separate instructional units from classes for deaf students. The program shall provide intensive remediation in auditory training, speech, speech reading skills, language, and basic skills.

(d) Itinerant programs for hearing impaired students enrolled in basic classes shall have as their primary purpose the remediation of communication skills.

(8) Supportive services. The district shall have or purchase the services of professionals in the areas of audiology, school psychology, guidance, educational assessment, social services and manual communication. These services shall support the instructional program.

(9) Procedures for providing housing for programs for the hearing impaired. Each program shall meet the following requirements for facilities and equipment.

(a) The program shall be established in conjunction with a regular school appropriate to the age and grade level of the hearing impaired students.

(b) Each full-time special class and resource classroom shall be acoustically treated.

(c) Each full-time special class and resource classroom shall be equipped with all equipment found in a basic classroom within that school and auditory amplification equipment, overhead projector and filmstrip projector.

(d) Auditory equipment shall be calibrated annually, maintained, and considered for replacement on a five (5) year cycle.

(10) Thus rule shall take effect July 1, 1977.

Specific Authority 229.053(1), 230.23(4)(m) 236.081(1)(c) FS. Law Implemented 228.041(19), (20), 229.565(2)(b)(c), 230.23(4)(m), 236.081(1)(c) FS. History New 7-1-77.

6A-6.3014 Special programs for students who are visually impaired.

6A-6.3014 Special programs for students who are visually impaired.

(1) Visually impaired.

(a) Blind – one who after the best possible correction has no vision or has little potential for using vision as a primary channel for learning and, therefore, must rely upon tactual and auditory senses to obtain information.

(b) Partially sighted — one whose vision, after the best possible correction, although impaired, is yet a primary channel of learning and who, with considerable adjustments, is able to perform the visual tasks required in the usual school situation.

(2) Criteria for eligibility. A student is eligible for a special program for visually impaired if the student:

(a) Has a visual acuity of 20/70 or less in the better eye with best possible correction; or

(b) Has a peripheral field so contracted that it affects the student's ability to learn; or

(c) Has a progressive loss of vision which may in the future affect the student's ability to learn; and

(d) Has a loss of vision which affects the student's ability to perform academically and requires the use of specialized textbooks, techniques, materials and equipment.

(3) Procedures for screening. Initial screening is to be done solely for the purpose of referring students to an opthalmologist or optometrist for further evaluation. Screening shall be done for all new students entering the district, all kindergarten students, all students in at least two (2) other grades and all exceptional students.

(4) Procedures for student evaluation.

(a) The minimum evaluations necessary for determining eligibility shall be a medical eye examination and educational evaluation which identifies educational and environmental adjustments needed.

(b) There shall be a record of reevaluation by an opthalmologist or optometrist at least every three (3) years except in cases where the student is verified to lack usable vision.

(5) This rule shall take effect July 1, 1977.

Specific Authority 229.053(1), 230.23(4)(m), 236.081(1)(c) FS. Law Implemented 228.041(19), (20), 229.565(3)(b), (c), 230.23(4)(m), 236.081(1)(c) FS. History—New 7-1-77.

6A-6.3015 Special programs for students who are physically impaired.

6A-6.3015 Special programs for students who are physically impaired.

(1) Physically impaired — one who has a physically disabling condition or other health impairment and such condition requires an adaptation to the student's school environment or curriculum. Pregnant students may be classified as physically impaired.

(2) Criteria for eligibility. A student is elibible for a special program for the physically impaired if the student has:

(a) Muscular or neuromuscular handicaps which significantly limit the ability to move about, sit or manipulate the materials required for learning; or

(b) Skeletal deformities or abnormalities which affect ambulation, posture and body use necessary in school work; or

(c) Disabilities which result in reduced efficiency in school work because of temporary or chronic lack of strength, vitality or alertness; and

(d) A severe disability which substantially limits one (1) or more of such student's major life activities.

(3) Procedures for student evaluation. The minimum evaluation for a student shall be:

(a) A report of a medical examination within the previous twelve-month period, from a physician(s) qualified to assess the student's physical problems, giving a description of the impairment and any medical implications for instruction. This report shall state that the student is unable to or is restricted in ability to attend regular classes because of a physical impairment;

(b) An educational evaluation which identifies educational and environmental adjustments needed;

(c) When determined by the administrator of exceptional student education or designee, a psychological evaluation, a speech and language screening, visual and auditory screening, or a social history; and

(d) An annual medical examination to determine changes in the physical condition of the student in order to continue in the program.

(4) This rule shall take effect July 1, 1977.

Specific Authority 229.053(1), 230.23(4)(m), 236.081(1)(c) FS. Law Implemented 228.041(19), (20), 229.565(3)(b), (c), 230.23(4)(m), 236.081(1)(c) FS. History—New 7-1-77.

6A-6.3016 Special programs for students who are emotionally handicapped.

6A-6.3016 Special programs for students who are emotionally handicapped.

(1) Emotionally handicapped — one who after receiving supportive educational assistance and counseling services available to all students; still exhibits persistent and consistent severe behavioral disabilities which consequently disrupt the student's own learning process. This is the student whose inability to achieve adequate academic progress or satisfactory interpersonal relationships cannot be attributed primarily to physical, sensory or intellectual deficits. The term does not include children who are socially maladjusted, unless it is determined that they are emotionally handicapped. For purposes of funding, emotionally handicapped students shall be classified as:

(a) Emotionally handicapped — one who meets criteria as defined in Rule 6A-6.3016, FAC, and is placed in programs as defined in Rule 6A-6.311(1)(a) through (d), FAC.

(b) Severely emotionally disturbed — one who meets criteria as defined in Rule 6A-6.3016, FAC, and is placed in programs as defined in Rule 6A-6.311(1)(d) through (f), FAC, and who requires a special program for the full school week, and who requires extensive supportive services.

(2) Criteria for eligibility. All of the following criteria, consistent with the definition, shall be used to determine each student's eligibility for special programs for emotionally handicapped.

(a) Evidence that the student, after receiving supportive educational assistance and counseling, still exhibits severe emotional handicaps.

(b) Evidence that a severe emotional handicap, as determined by documented observations and psychological evaluation, exists over an extended period of time.

(c) Evidence that the behavior disrupts the student's own learning, reading, arithmetic or writing skills, social-personal development, language development or behavioral progress and control.

(d) Evidence that the primary problem of the student cannot be attributed primarily to physical, sensory or intellectual deficits.

(3) Criteria for eligibility for programs for severely emotionally disturbed. In addition to (2) above, the following shall be used to determine each student's eligibility for special programs for the severely emotionally disturbed:

(a) Evidence that the student requires a program for the full school week which provides a highly structured cognitive and affective curriculum, individual or group counseling, and parent counseling or education; and

(b) Evidence that a program provided in less restrictive environment has not met the individual student's needs.

(4) Procedures for student evaluation.

(a) Prior to the evaluation for determining eligibility, the following data shall be collected:

1. Documented and dated evidence that conferences concerning the student's specific problem have been conducted. These conferences shall include but not be limited to the parents or guardian, administrative personnel, teaching personnel and student services personnel; and documented evidence that a social or developmental history has been compiled directly from the parents or guardian.

2. Documented and dated anecdotal records or behavioral observations made by more than one (1) person which cite the specific behaviors causing the referral.

3. Documented evidence of two (2) interventions and adjustments that have been tried with the student. These interventions shall include, but not be limited to, change in student's class schedule or teacher; change in student's curriculum; change in techniques of instruction; interventions provided by student services personnel; community agency intervention; or health and rehabilitative services agency intervention.

(b) The minimum evaluation for determining eligibility shall include all information collected in (4)(a) above and the following:

1. A physical evaluation required by the administrator of the exceptional student program or designee for all students where physical problems are suspected as precipitating the behavioral problem. If deemed necessary by a psychologist or physician, a neurological and psychiatric examination shall be required.

2. A vision screening report.

3. A hearing, and a speech and language screening report.

4. A comprehensive psychological evaluation conducted by a certificated school psychologist or psychiatrist which shall include the following information: an individual evaluation of intellectual ability and potential, evaluation of the student's personality and attitudes, and behavioral observations and interview data relative to the problems described in the referral.

5. An educational evaluation which includes information on the student's academic strengths and weaknesses and learning modes.

6. In addition to the evaluation procedures in 1. through 5. above, the minimum evaluation for determining eligibility for special programs for severely emotionally disturbed shall include an evaluation conducted by a licensed psychiatrist.

(5) Procedures for determining eligibility and educational placement. All data pertaining to the evaluation of the student must be reviewed by the staffing committee to recommend eligibility. If a student is entering from a public agency that deals with the emotionally handicapped, all information requirements in (4)(a) above shall be waived.

(6) Supportive services. Each district shall make provisions for a parent education program for all parents of students placed in full-time special classes.

Specific Authority 229.053(1), 230.23(4)(m), 236.081(1)(c) FS. Law Implemented 228.041(19)(20), 229.565(2)(b)(c), 230.23(4)(m), 236.081(1)(c) FS., Item 315, Section 1, Chapter 79-212, Laws of Florida. History—New 7-1-77, Amended 10-23-79, 11-25-80.

6A-6.3017 Special programs for students who are socially maladjusted

Specific Authority 229.053(2), 230.23(4)(m), 236.081(1)(c) FS.
Law Implemented 228.041(19), (20), 229.565(2)(b),(c), 230.23(4)(m), 236.081(1)(c) FS.
History-New 7-1-77; Repealed 5-24-81.

6A-6.3018 Special programs for students with specific learning disabilities.

6A-6.3018 Special programs for students with specific learning disabilities.

(1) Specific learning disability — one who exhibits a disorder in one (1) or more of the basic psychological processes involved in understanding or in using spoken or written language. These may be manifested in disorders of listening, thinking, reading, talking, writing, spelling, or arithmetic. They do not include learning problems which are due primarily to visual, hearing or motor handicaps, to mental retardation, to emotional disturbance, or to an environmental deprivation.

(2) Criteria for eligibility. A student is eligible for special programs for specific learning disabilities if the student meets all of the following criteria.

(a) Evidence of a disorder in one (1) or more of the basic psychological processes.

1. Based on a student's expected level of functioning a score of two (2) or more standard deviations below the mean in one (1) process area or a score of one and one-half (1½) or more standard deviations below the mean in three (3) or more process areas. Process areas are defined as visual channel processes, auditory channel processes, haptic channel processes, language processes, and sensory integrated processes. In cases where the standard deviation is not available, a score at or below seventy percent (70%) of the student's expectancy age in one (1) process area or a score at or below eighty percent (80%) of the student's expectancy age in three (3) or more process areas may be used.

2. In addition, a district may establish criteria for a required level of strength, the use of more than one (1) test to determine a deficit area, and other criteria which will assist in determining a process deficit.

(b) Evidence of academic deficits.

1. Based upon the student's expected level of functioning, a score of: Eighty-five percent (85%) expectancy age or below for grades 3-6; seventy-five percent (75%) expectancy age or below for grades 7-9 or sixty-five percent (65%) expectancy age or below for grades 10-12 is required in one (1) or more of the following academic areas: reading, writing, arithmetic or spelling. For students in grades K-2 evidence must be presented that achievement is below the student's expected level on preacademic tasks which require listening, thinking or speaking skills.

2. A district may establish criteria for a required level of strength, the use of more than one (1) test to determine a deficit area, and other criteria which will assist in determining an academic deficit.

(c) Evidence that learning problems are not due primarily to other handicapping conditions.

1. For students with intellectual deficits, a score of two (2) or more standard deviations below the mean on an individual test of intellectual functioning or evidence that a score below two (2) standard deviations below the mean is not a reliable indicator of the student's intellectual potential.

2. For students with visual processing deficits, visual acuity of at least 20/70 in the better eye with best possible correction or evidence that the student's inability to perform adequately on tasks which require visual processing is not due to poor visual acuity.

3. For students with auditory processing or language deficits, auditory acuity of not more than a 30 decibel loss in the better ear unaided or evidence that the student's inability to perform adequately on tasks which require auditory processing or language is not due to poor auditory acuity.

4. For students with a motor handicap, evidence that their inability to perform adequately on tasks which assess the basic psychological processes is not due to the motor handicap.

5. For students who exhibit persistent and consistent severe emotional disturbance, evidence that their inability to perform adequately on tasks which assess the basic psychological processes is not due to their emotional disturbance.

(d) Documented evidence which indicates that viable general educational alternatives have been attempted and found to be ineffective in meeting the student's educational needs.

(3) Procedures for student evaluation.

(a) Prior to referral for determining eligibility, the following data shall be collected at the student's school:

1. Documented and dated evidence that conferences concerning the student's specific problem have been conducted. These conferences shall include but not be limited to the parents or guardian, administrative personnel and teaching personnel.

2. behavioral observations in the classroom which indicate the student's learning problem.

3. Documented evidence of two (2) educational alternatives attempted within the school.

4. Evidence of the student's sensory functioning.

5. Any social, psychological or medical data included in the student's cumulative folder.

6. Student attendance record if excessive absences are noted, and reasons for the excessive absenteeism.

(b) The following evaluations are required to determine a student's eligibility and educational placement: psychoeducational to determine the student's level of functioning in the basic psychological process areas, academic performance, intellectual functioning, vision, auditory, speech and language screenings, and behavioral and descriptive data documenting a student's performance as required by rule 6A-6.3018(2)(d), FAC.

(c) Each district shall specify the personnel who are directly responsible for the evaluations, the competencies required of these personnel and the method by which the data shall be collected.

(4) This rule shall take effect July 1, 1977.

Specific Authority 229.053(1), 230.23(4)(m), 236.081(1)(c) FS. Law Implemented 228.041(19), (20), 229.565(2)(b), (c), 230.23(4)(m)4., 236.081(1)(c) FS. History New 7-1-77, Amended 7-2-79.

6A-6.3019 Special programs for students who are gifted.

6A-6.3019 Special programs for students who are gifted.

(1) Gifted — one who has superior intellectual development and is capable of high performance. The mental development of a gifted student is two (2) standard deviations or more above the mean.

(2) Criteria for eligibility. A student is eligible for special programs for the gifted if the student demonstrates:

(a) Superior intellectual development — an intelligence quotient of two (2) standard deviations or more above the mean on an individually administered standardized test of intelligence. The standard error of measurement may be considered in individual cases.

(b) A majority of characteristics of gifted children according to a standard scale or checklist.

(c) Need for a special program.

(3) Procedures for student evaluation. The following are the minimum evaluations required to determine a student's eligibility and educational placement: an evaluation of intellectual potential characteristics of the gifted, statement of nonacademic performance, and the need for a special program.

(4) This rule shall take effect July 1, 1977.

Specific Authority 229.053(1), 230.23(4)(m), 236.081(1)(c) FS. Law Implemented 228.041(19), (20), 229.565(2)(b), (c), 230.23(4)(m), 236.081(1)(c) FS. History—New 7-1-77.

6A-6.3020 Special programs for students who are homebound or hospitalized.

6A-6.3020 Special programs for students who are homebound or hospitalized.

(1) Homebound or hospitalized — one who has a medically diagnosed physical or mental condition which confines the student to home or hospital and whose activities are restricted for an extended period of time. Infants three years of age or less who are deaf, blind, severely physically handicapped or trainable mentally retarded may receive home instruction.

(2) Criteria for eligibility. A student is eligible for special programs for homebound or hospitalized if the following criteria are met:

(a) Certification by a licensed physician that the student is expected to be at home or hospitalized for at least fifteen (15) school days and will be able to participate in and benefit from an instructional program;

(b) Student is under medical care for illness or injury which is acute or catastrophic in nature;

(c) Student is free of infectious or communicable disease;

(d) Parent or guardian signs parental agreement concerning homebound or hospitalized policies and parental cooperation;

(e) If of school age, student is enrolled in a public school;

(f) If below three years of age, the child meets criteria for eligibility specified for hearing impaired in rule 6A-6.3013, FAC, blind in rule 6A-6.3014, FAC, severely physically handicapped in rule 6A-6.3015, FAC, or trainable mentally retarded in rule 6A-6.3011, FAC.

(3) Procedures for student evaluation. The minimum evaluation for a student to determine eligibility shall be:

(a) A medical statement, from a physician(s) qualified to assess the physical or mental problems, including a description of the handicapping condition with any medical implications for instruction. This report shall state the student is unable to attend school and give an estimated duration of condition.

(b) Periodic physical reexaminations and a medical report by a licensed physician(s) as requested by the administrator of exceptional student education or designee.

(4) Procedures for providing an individual education plan. For the homebound or hospitalized student who does not meet the definitions in Rules 6A-6.3011 through 6A-6.3019 or Rules 6A-6.3021 through 6A-6.3023, FAC, the individual education plan may be developed without a formal meeting as required in Rule 6A-6.331(3)(c), FAC.

(5) Instructional program. The home or hospital setting becomes the student's school. For effective teaching the parent or guardian shall:

(a) Provide a quiet, well-ventilated setting where teacher and student will work;

(b) Establish a schedule for study between teacher visits,

(c) Ensure that a responsible adult be present during the instruction period in the home.

Specific Authority 229.053(1), 230.23(4)(m), 232.01(1)(f), 236.081(1)(c) FS. Law Implemented 228.041(19), (20), 229.565(2)(b),(c), 230.23(4)(m)4., 232.01 (1)(f), 236.081(1)(c) FS. History—New 7-1-77, Amended 7-2-79.

6A-6.3021 Special programs for students who are profoundly handicapped.

6A-6.3021 *Special programs for students who are profoundly handicapped.*

(1) For purposes of funding, profoundly handicapped students shall be classified as:

(a) Profoundly mentally retarded as defined in Rule 6A-6.3011, FAC,

(b) Deaf-blind as defined in Rule 6A-6.3022, FAC;

(c) Autistic as defined in Rule 6A-6.3023, FAC; or

(d) Severely emotionally disturbed as defined in Rule 6A-6.3016(1)(b), FAC.

(2) *School districts may utilize the weighted* cost factor for the profoundly handicapped when a student meets the criteria in (1)(a), (b), (c) or (d) above and is in a course for the profoundly handicapped, profoundly mentally retarded, deaf-blind, autistic, or severely emotionally disturbed. The district may also use the weighted cost factor for the profoundly handicapped for an individual student who meets the criteria in (1)(a), (b), (c), or (d) above and is in other courses for exceptional students consistent with the student's individual educational plan.

Specific Authority 229.053(1), 230.23(4)(m), 236.081(1)(c) FS. Law Implemented 228.041(19), (20), 229.565(2)(b), (c), 230.23(4)(m)4., 232.01(1)(f), 236.081(1)(c) FS., Item 316, Section 1, Chapter 79-212, Laws of Florida. History—New 7-2-79, Amended 10-23-79.

6A-6.3022 Special programs for students who are deaf-blind.

6A-6.3022 Special programs for students who are deaf-blind.

(1) Deaf-blind — one who has a hearing impairment and a visual impairment, the combination of which causes severe communication and other developmental and educational problems that cannot be properly accommodated in special programs solely for the hearing impaired or for the visually impaired student.

(2) Criteria. A student is eligible for a special program for the deaf-blind if the student:

(a) Meets the definition of blind or partially sighted in Rule 6A-6.3014, FAC, as attested to by an ophthalmologist or optometrist, and meets the definition of deaf or hard of hearing in Rule 6A-6.3013(1)(a)(b), FAC, as attested to by a certified audiologist, and is unable to profit from a program for the hearing impaired or a program for the visually impaired without severe adjustments, e.g., a tutor-companion; or

(b) Meets the definition of blind or partially sighted in Rule 6A-6.3014, FAC, and in the best professional judgment of the evaluator is deaf or hard of hearing as defined in Rule 6A-6.3013, FAC, and is unable to profit from a program for the hearing impaired or a program for the visually impaired without severe adjustments, e.g., a tutor-companion; or

(c) Meets the definition of deaf or hard of hearing in Rule 6A-6.3013, FAC, and in the best professional judgment of the evaluator is blind as defined in Rule 6A-6.3014, FAC, and is unable to profit from a program for the hearing impaired or a program for the visually impaired without severe adjustments, e.g., a tutor-companion.

(3) Procedures for student evaluation.

(a) The minimum evaluations necessary for determining eligibility shall be:

1. Medical eye examination;
2. Audiological evaluation;
3. Intellectual functioning evaluation; and
4. Educational evaluation.

(b) A physical evaluation may be required by the administrator of the exceptional student program or designee based on criteria specified in the district procedures documents. A neurological examination shall be required if deemed necessary by the examining psychologist or physician.

Specific Authority 229.053(1), 230.23(4)(m), 236.081(1)(c) FS. Law Implemented 228.041(19)(20), 229.565(2)(b)(c), 230.23(4)(m)4., 232.01(1)(f), 236.081(1)(c) FS. History—New 7-2-79.

6A-6.3023 Special programs for students who are autistic.

6A-6.3023 Special programs for students who are autistic.

(1) Autistic — one who has a disability reflected in severe disorders of communication, behavior socialization and academic skills, and whose disability was evident in the early developmental stages of childhood. The autistic child appears to suffer primarily from a pervasive impairment of cognitive and perceptual functioning, the consequences of which are manifested by limited ability to understand, communicate, learn, and participate in social relationships.

(2) Criteria for eligibility. The following criteria, consistent with the definition, shall be used to determined each student's eligibility for a special program:

(a) Evidence of onset of disorder at birth or during the first three (3) years of life;

(b) Evidence of severely delayed or absent speech and language skills;

(c) Evidence of impaired or complete lack of emotional/social relationships;

(d) Evidence of abnormal responses to stimuli which may involve any or all of the sensory modalities; and

(e) Evidence of a severe functional retardation which may be accompanied by normal or superior abilities in some areas.

(3) Procedures for student evaluation. The minimum evaluation for determining eligibility shall include the following:

(a) Documented and dated anecdotal records for behavioral observations, if required by the district program administrator, based on criteria specified in the district procedures document;

(b) Documented evidence that a social and developmental history has been compiled directly from the parent or guardian;

(c) A comprehensive psychological evaluation conducted by a certified school psychologist, licensed psychologist or psychiatrist, which shall include an individual evaluation of intellectual ability and potential, behavioral observations, and an educational evaluation, if appropriate;

(d) A physical evaluation which will include a neurological evaluation if deemed necessary by the examining physician or psychologist;

(e) An evaluation of sensory functioning including vision and hearing; and

(f) An evaluation of speech and language development.

Specific Authority 229.053(1), 230.23(4)(m), 236.081(1)(c) FS. Law Implemented 228.041(19)(20), 229.565(3)(b)(c), 230.23(4)(m)4., 232.01(1)(f), 236.081(1)(c) FS. History—New 7-2-79.

6A-6.3024 Special programs for exceptional students who require physical therapy.

6A-6.3024 Special programs for exceptional students who require physical therapy.

(1) Definition. An exceptional student who requires a specially prescribed program directed toward the development, improvement, or restoration of neuromuscular of sensorimotor function, relief of pain or control of postural deviations to attain the exceptional student's maximum performance in an educational setting is eligible to receive physical therapy.

(2) Criteria for eligibility. An exceptional student is eligible for a specially directed program for physical therapy if the exceptional student has:

(a) Identified physical impairments, motor deficits or developmental delays which significantly interfere with the achievement of maximum learning; or

(b) Muscular or neuromuscular conditions, skeletal deformities, trauma and physically debilitating conditions which limit the student's ability to attain maximum performance within the educational setting; or

(c) A severe disability which substantially limits one or more of such student's major life activities.

(3) Procedures for student evaluation. The minimum annual evaluation for the student shall include:

(a) A written medical prescription by a person licensed and registered in this state to practice medicine, surgery, or dentistry and whose license is in good standing; and

(b) An evaluation and plan of care by a registered physical therapist.

Specific Authority 229.053(1), 230.23(4)(m), 236.081(1)(c) FS. Law Implemented 230.23(4)(m), 236.081(1)(c) FS. History—New 11-26-80, Amended 2-4-81.

6A-6.3025 Special programs for exceptional students who require occupational therapy.

6A-6.3025 Special programs for exceptional students who require occupational therapy.

(1) Definition. An exceptional student whose physical motor or neurological deficits result in significant dysfunction in daily living skills, academic learning skills or adaptive social or emotional behaviors is eligible to receive occupational therapy.

(2) Criteria for eligibility. An exceptional student is eligible for a special program of occupational therapy if the exceptional student has identified significant developmental deficits, dysfunctions, or disabilities to a degree not otherwise provided for in the exceptional student education instructional environment.

(3) Procedures for evaluation. The minimum annual evaluation for the student shall include:

(a) An initial assessment by a licensed occupational therapist to determine appropriate intervention strategies; and

(b) An evaluation and plan of care by a licensed occupational therapist. Although a medical prescription is not required, appropriate medical records and social history may be reviewed as a part of the evaluation process.

Specific Authority 229.053(1), 230.23(4)(m), 236.081(1)(c) FS. Law Implemented 230.23(4)(m), 236.081(1)(c) FS. History—New 11-29-80.

6A-6.311 Eligible special programs for exceptional students.

6A-6.311 Eligible special programs for exceptional students. Special programs for exceptional students encompass instruction and special education services which provide significant adaptations in one or more of the following: curriculum, methodology, materials, equipment, or environment designed to meet the individual learning needs of exceptional students.

(1) Special programs may be structured in one or more of the following patterns so that an exceptional student may receive instruction in a:

(a) basic class with supplementary consultation or special education services;

(b) basic class supplemented by itinerant instruction or a resource room program;

(c) special class either full-time or part-time in a regular school;

(d) special day school;

(e) non-public residential or day school through a contractual arrangement or other written agreement;

(f) special class in a hospital or treatment center;

(g) individual instruction in a hospital or home setting.

(2) Pre-kindergarten programs for exceptional students include:

(a) Special programs for exceptional students ages three (3) and four (4) as listed in (1)(a)-(g) above.

(b) Home instruction or supplemental instruction for deaf, blind, severely physically handicapped or trainable mentally retarded below age three (3). Supplemental instruction is defined as regularly scheduled instruction to a deaf, blind, severely physically handicapped or trainable mentally retarded student enrolled in public or non-public preschool or day care programs.

(3) When an appropriate special program cannot be provided within the district or in cooperation with other districts, a district may utilize non-public schools through a contractual arrangement based on guidelines issued by the director of the division of elementary and secondary education.

(4) When a district provides a special program for exceptional students by assigning instructional personnel to a facility operated by another agency or organization, a written agreement shall be developed outlining the respective duties and responsibilities of each party.

Specific Authority 229.053(1) FS. Law Implemented 230.23(4)(m) FS. History—New 6-17-74, Repromulgated 12-5-74.

6A-6.321 Personnel employed in special programs for exceptional students.

6A-6.321 Personnel employed in special programs for exceptional students. Instructional personnel in special programs for exceptional students shall be qualified as required in section 6A-1.503.

Specific Authority 229.053(1) FS. Law Implemented 230.23(4)(m) FS. History—New 6-17-74, Repromulgated 12-5-74.

6A-6.331 Identification and assignment of exceptional students to special programs.

6A-6.331 Identification and assignment of exceptional students to special programs. Procedures and criteria for diagnosis, evaluation and assignment of exceptional students shall be set forth in the district procedures document for the exceptional student program submitted to the division of public schools.

(1) Student evaluation.

(a) The school board shall be responsible for the medical, physical, psychological, social and educational evaluations of students, who are suspected of being exceptional students, by competent evaluation specialists. Evaluation specialists shall include, but not be limited to, persons such as physicians, psychologists, audiologists, and social workers with each such person licensed in the professional's field as evidenced by a valid license or certificate to practice such profession in Florida. Educational evaluators not covered by a license or certificate to practice a profession in Florida shall either hold a valid Florida teacher's certificate or be employed under the provisions of Rule 6A-1.502, FAC.

(b) The district's evaluation procedures shall provide for the use of valid test and evaluation materials, by trained personnel, in conformance with instructions provided by the producer of the tests or evaluation materials. For children not proficient in the English language, the district's evaluation procedures shall provide for the use of the language or other mode of communication commonly used by the child.

(c) The district shall provide a reevaluation of each exceptional student at least every three years, or more frequently if conditions warrant; provided, however, a medical examination shall be performed annually, as prescribed in Rule 6A-6.3015(3)(d), FAC.

(d) The school district shall provide the parent of an exceptional student the right to an independent educational evaluation and shall consider the results of such evaluation in any decision regarding the student. The independent educational evaluation shall be conducted by a qualified examiner as prescribed in Rule 6A-6.331(1)(a), FAC, who is not an employee of the district school board. A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the school district, provided however, the school district may initiate a due process hearing to show that its evaluation is appropriate and if the final decision is that the district evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense. Whenever an independent evaluation is at school board expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria prescribed by State Board rules for use by the school district when it initiates an evaluation.

(2) Staffing committees.

(a) A staffing committee utilizing the process of reviewing diagnostic, evaluation, educational or social data shall recommend student eligibility for special programs and shall recommend the student's educational placement.

(b) A minimum of three (3) professional personnel, one (1) of whom shall be the district administrator of exceptional students or designee, shall meet as an eligibility and placement staffing committee. Additional personnel may be involved in the eligibility and placement recommendation by providing information or by attending staffing meetings. In the case of homebound or hospitalized students, the district administrator may receive recommendations of the eligibility staffing committee without a formal meeting.

(3) Each district shall develop an individual educational plan for each exceptional student.

(a) An individual educational plan consists of written statements including:

1. A statement of the student's present levels of educational performance;

2. A statement of annual goals, including short term instructional objectives;

3. A statement of the specific special education and related services to be provided to the student and the extent to which the student will be able to participate in regular educational programs;

4. The projected dates for initiation of services and the anticipated duration of the services; and

5. Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short term instructional objectives are being achieved.

(b) An individual educational plan which has been reviewed and revised, if appropriate, within the past year, must be in effect at the beginning of each school year for each exceptional student continuing in a special program. For new exceptional students assigned to a special program, an individual educational plan must be developed in conjunction with the assignment to a special program.

(c) Meetings shall be held to develop, review and revise an exceptional student's individual educational plan.

1. A meeting shall be held at least once a year to review each exceptional student's individual educational plan and, as appropriate, revise its provisions.

2. Meetings shall include the following participants:

a. A representative of the district school system, other than the student's teacher, who is qualified to provide or supervise the provision of special education.

b. The student's teacher.

c. One or both of the student's parents as provided in Rule 6A-6.331(7), FAC.

d. The student, when appropriate.

e. Other individuals at the discretion of the parent or district school system.

f. In addition, for an exceptional student who has been evaluated for the first time, a member of the evaluation team or some other person who is knowledgeable about the evaluation procedures used with the student and is familiar with the results of the evaluation.

3. If through a contractual arrangment with a non-public school, meetings are initiated and conducted by the non-public school, the district school system representative and the parents shall be involved in decisions about the individual educational plan and shall agree to proposed changes in the plan prior to those changes being implemented.

6A-6.331 [continued] Identification and assignment of exceptional students to special programs.

4. If an exceptional student is enrolled in a non-public school and receives special education from a school district, the school district shall:

a. Initiate and conduct meetings to develop, review and revise an individualized educational plan for the student, in accordance with Rule 6A-6.331(3); and

b. Ensure that a representative of the non-public school attends each meeting. If the representative cannot attend, the school district shall use other methods to ensure participation by the non-public school, including individual or conference telephone calls.

(4) Each district shall designate a staff member as a program administrator of special programs for exceptional students who shall be responsible for the following:

(a) coordinating all district programs for exceptional students;

(b) reviewing the recommendations of the evaluation specialists and the staffing committee;

(c) determining student eligibility for special programs defined in these rules and in the criteria outlined in the district procedures developed pursuant to rule 6A-6.341, FAC;

(d) assuring that parents have been appropriately informed of the student's recommended educational placement and of their due process rights;

(e) informing, in writing, the appropriate school principal of the student's eligibility for a special program;

(f) carrying out educational planning, articulation and reassignment of students.

(5) Each district shall provide for supervision of instructional personnel in special programs for exceptional students. Such supervision may be from a district, multi-district or other cooperative arrangement.

(6) Pursuant to the provisions of Section 230.23(4)(m)4., Florida Statutes, each school board shall develop rules of procedure for due process hearings.

(a) Such hearings may be initiated by a parent or a school district on the proposal to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child or the refusal to initiate or change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education to the child.

(b) A decision made in a hearing conducted under this subsection is final, unless a party to the hearing appeals the decision within ten (10) days under Rule 6A-6.332, FAC.

(c) The school board rules of procedure shall include adequate provision for:

1. Written notice to the parent, consistent with the requirements of Rule 6A-6.331(7), FAC, of any proposal or refusal to initiate or change the identification, evaluation or educational placement of the child or the provision of a free appropriate public education to the child including:

a. A full explanation of all the procedural safeguards available to the parents as provided herein and in Rule 6A-1.955, FAC;

b. A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any options the district considered and the reasons why those options were rejected;

c. A description of each evaluation procedure, test, record, or report the district uses as a basis for the proposal or refusal; and

d. A description of any other factors which are relevant to the district's proposal or refusal.

2. Informing the parent of any free or low cost legal and other relevant services available if the parent requests the information, or the parent or school district initiates a hearing.

3. Identification and selection of an impartial hearing officer. The hearing shall be conducted by a hearing officer who shall not be an officer or employee of the school board involved in the education or care of the child, nor has a personal or professional interest which would conflict with the objectivity of the hearing.

a. A person conducting a hearing is not an employee of the district solely because he or she is paid by the district to serve as a hearing officer.

b. Each district shall keep a list of the persons who serve as hearing officers, including a statement of the qualifications of each of those persons.

c. In addition to not being an employee of the school district, minimum criteria for the selection of an impartial hearing officer shall be one who:

(i) Has successfully completed a training program conducted or approved by the division of public schools;

(ii) Is sufficiently free of other obligations to complete the duties and responsibilities of a hearing officer;

(iii) Is over the age of majority;

(iv) Has not been involved in any previous decisions regarding the child's identification, evaluation, placement or review; and

(v) Has not worked as a consultant for the school district for special programs for exceptional students.

d. The parent shall have the right to participate in the selection of the hearing officer from the district list or may require that the district request that the hearing officer be from the division of administrative hearings, department of administration. Hearings conducted by a hearing officer from the division of administrative hearings shall use these rules for any such hearings provided that a hearing conducted by a hearing officer from the division of administrative hearings shall not be required to meet criteria in Rule 6A-6.331(6)(c)3.c., FAC.

e. Duties and responsibilities of hearing officers shall be:

(i) To conduct the hearing in a fair and impartial manner;

(ii) To summarize the facts and findings of the case and to arrive at an impartial decision based solely on information presented during the hearing;

(iii) To mail copies to all parties of the facts, findings and decision regarding the hearing;

(iv) To be accountable for all deadlines and procedures in the statutes and rules for such hearings;

6A-6.331 [continued] Identification and assignment of exceptional students to special programs.

(v) To maintain confidentiality of all information; and

(vi) To rule on requests for specific extensions of time beyond the periods set forth in this subsection at the request of either party.

4. Rights of any party to a hearing. Any party to a hearing has the right to:

a. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of handicapped children.

b. Present evidence and confront, cross-examine, and compel the attendance of witnesses.

c. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five (5) days before the hearing.

d. Obtain written or electronic verbatim records of the hearing.

e. Obtain written findings of fact and decisions.

f. Parents involved in hearings must be given the right to have the child who is the subject of the hearing present and open the hearing to the public.

5. Arrangements for conducting the hearing. The superintendent or designee shall make provisions for:

a. Notifying hearing officer.

b. Determining the need for an interpreter for the parents and if needed make appropriate arrangementts.

c. Establishing time and place which is reasonably convenient to the parent and child involved and notifying all parties.

d. Arranging for clerical assistance, cost of hearing, availability of facilities, and verbatim transcript of the hearing.

e. Notifying all parties regarding information, rights and responsibilities before, during and after the hearing.

f. Determining parent wishes concerning the attendance of the child at the hearing and whether they wish the hearing to be opened or closed; if either is requested, making such arrangments by notifying all parties.

g. Assuring that the hearing meets the required timelines as required in Rule 6A-6.331(6)(c)6., FAC.

h. Transmitting the findings and decisions, after deleting any personally identifiable information, of any such hearings to the Commissioner for the state advisory committee for the education of exceptional students.

i. Other responsibilities specified by the school board.

6. Timelines. The district shall ensure that not later than forty-five (45) days after the receipt of a request for a hearing a final decision is reached in the hearing and a copy of the decision is mailed to each of the parties.

(d) Child's status during proceedings.

1. During the time that an administrative or judicial proceeding regarding a complaint is pending, unless the district and the parent of the child agree otherwise, the child involved in the complaint must remain in his or her present educational placement.

2. If the complaint involves an application for an initial admission to public school, the child, with the consent of the parent, must be placed in a public school program until the completion of all proceedings.

(7) Each school board shall establish procedures which shall provide for parents, guardians, or persons acting in loco parentis to be involved in decisions concerning the education of exceptional students. Such procedures shall include the following:

(a) Procedures for parental involvement. Each district school board shall make provision for:

1. Prior written notice regarding child identification and evaluation activities including a statement informing parents of all procedural safeguards available.

2. Obtaining informed parental consent prior to formal, individual evaluation to determine eligibility for special programs for exceptional students.

3. Obtaining informed parental consent prior to placement into a special program for exceptional students, and

4. Parental participation in the development of the individual educational plan for the student.

a. Each district shall take steps to ensure that one (1) or both of the parents of an exceptional student is present at each meeting or is afforded the opportunity to participate, including:

[1] Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

[2] Scheduling the meeting at a mutually agreed on time and place.

b. The notice to the parent must indicate the purpose, time, and location of the meeting and who will be in attendance.

c. If neither parent can attend, the district shall use other methods to ensure parent participation, including individual or conference telephone calls.

d. A meeting may be conducted without a parent in attendance if the district is unable to obtain the attendance of the parents. In this case, the district must have a record of its attempts to arrange a mutually agreed on time and place such as:

[1] Detailed records of telephone calls made or attempted and the results of those calls;

[2] Copies of correspondence sent to the parents and any responses received; and

[3] Detailed records of visits made to the parent's home or place of employment and the results of those visits.

e. The district shall take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

f. The district shall give the parent, on request, a copy of the individualized educational plan.

(b) Procedures to use language of parent. In communication with parents not proficient in the English language, provision shall be made to use the language or other mode of communication commonly used by the parent unless it is clearly not feasible.

(c) Procedure when parent refuses to grant consent. Appropriate school district personnel shall document attempts to secure consent from the parent prior to formal evaluation or placement, and if consent is not obtained, school district personnel may at their discretion request a review as provided in Rule 6A-6.331(6), FAC.

6A-6.331 [continued] Identification and assignment of exceptional students to special programs.

(d) Procedure when parent does not wish to participate. If the parent does not wish to participate in the development of the individual educational plan for the student, school district personnel shall document attempts to obtain parental participation and shall proceed to develop the plan.

(e) Procedure for parental involvement in alternative placement. When appropriate school district personnel determine that a child's exceptionality is so profound or complex, or otherwise unique, that the school district cannot provide an appropriate educational program for the student, the parent shall have an opportunity to be involved in the decision concerning possible alternative placement.

(8) Discipline. The school board shall establish policies and procedures for the discipline of a handicapped student and for informing a handicapped student's parent or guardian of the policies and procedures for discipline.

Specific Authority 120.53(1)(b), 229.053(1) (2)(n), 230.23(4)(m), 236.081(1)(c) FS. Law Implemented 120.53(1)(b), 228.041(19)(20), 229.053(2)(n), 230.23(4)(m)4., 236.081(1)(c) FS. History - New 6-17-74, Repromulgated 12-5-74, Amended 7-1-77, 3-28-78, 7-12-78, 8-31-78, 11-29-78, 10-7-81.

c.f. P.L. 94-142, 20 USC 1401 (19); 1412 (2)(b), (4), (6); 1413 (a)(4)(A); 1414 (a)(5); and Federal Register, Volume 42, Number 163, Regulations 121a.345 and 121a.348.

6A-6.332 Impartial review by the Commissioner of a local hearing.

6A-6.332 Impartial review by the Commissioner of a local hearing.

(1) Any party aggrieved by the findings and decision in a hearing conducted under Rule 6A-6.331(6), FAC, may appeal in writing, within ten (10) days, to the Commissioner.

(2) If there is an appeal, the Commissioner or designee shall conduct an impartial review of the hearing. The review shall:

(a) Examine the entire hearing record;

(b) Ensure that the procedures at the hearing were consistent with the requirements of due process;

(c) Seek additional evidence if necessary. If a hearing is held to receive additional evidence, the rights in Rule 6A-6.331(6)(c)4., FAC, apply and the hearing shall be conducted under Section 120.57(1), Florida Statutes;

(d) Afford the parties an opportunity for oral or written argument, or both, at the discretion of the reviewing official;

(e) Make an independent decision on completion of the review;

(f) Give a copy of written findings and the decision to the parties; and,

(g) The decision made by the reviewing official is final, unless a party brings a civil action under Section [illegible].23(4)(m)4., Florida Statutes.

(3) The [illegible]mmissioner shall have a maximum of thirty (30) days after the receipt of a request for a review to conduct said review, make a final decision and mail a copy of the decision to each of the parties.

(4) The Commissioner may grant specific extensions of time beyond the time set in Rule 6A-6.332(3), FAC, at the request of either party.

Specific Authority 229.053(1), 230.23(4)(m) FS. Law Implemented 120.53(1)(c), 120.57(1), 228.041(19)(20), 229.053(2)(h), 229.565(2)(c), 230.23(4)(m) FS. History—New 8-8-78, c.f. P.L. 94-142 Regulation 121a.500 (20USC 1401).

6A-6.341 District procedures for special programs for exceptional students.

6A-6.341 District procedures for special programs for exceptional students. For a district to utilize the cost factors for special programs for exceptional students to generate funds it shall: develop a written statement of procedures for providing an appropriate program of special instruction, facilities and services for exceptional students, as required by Section 230.23(4)(m), Florida Statutes; submit its written statement of procedures to the director, division of public schools for approval; and report to the director, division of public schools, the total number of students in the district receiving instruction in each special program for exceptional students in the manner prescribed by the department. All State Board rules in effect July 1, 1977, relating to special programs for exceptional students shall serve as criteria for the review and approval of district procedures documents beginning with the 1977-78 school year. The statement of procedures shall be developed as follows: -

(1) Organization and operation of the exceptional student program. Give name and official title of district staff member designated as program administrator of special programs for exceptional students as required in Rule 6A-6.331(4), FAC. Describe the procedures for providing supervision to exceptional student education personnel and programs.

(2) Procedures for the provision of programs available within the district. In a separate description for each exceptional student program available within the district, describe the following:

(a) Criteria for eligibility. Define operationally the criteria for the eligible student group consistent with state board rules.

9. Georgia

IDDD - PROGRAMS FOR THE GIFTED

SUBPART A - GENERAL

SEC.

IDDDa1 Purpose

IDDDa2 Definitions

IDDDa3 Legal References

SUBPART B - STATE PLAN

IDDDb1 Program Plan

SUBPART C - LEA PLAN AND APPLICATION

IDDDc1 Application

SUBPART D - LEA REQUIREMENTS

IDDDd1 Reports (and Plans)

IDDDd2 Forms

IDDDd3 State Plan for the Education of the Gifted

SUBPART E - RELATED REQUIREMENTS/PROGRAMS/INFORMATION

IDDDe1 Related Requirements

IDDDe2 Related Programs

IDDDe3 Related Information

New construction, renovation and consolidation of facilities should be undertaken only with the approval of the Facilities Section, Georgia Department of Education.

D. Transportation

Transportation for handicapped children shall be provided in accordance with established policy.

Vehicles which are to be used to transport exceptional children should be appropriately modified as dictated by the specific needs of the children. This may include such equipment as power lifts, wheelchair fasteners, special seat belts, harnesses, etc.

Provision shall be made for adequate supervision of all exceptional children while they are being transported. This may entail the use of a teacher aide if the physical or mental problems of the children indicate a need for more supervision than can be provided by the driver.

VI. PROGRAM AREAS

A. Mentally Handicapped

1. Definition

Mentally handicapped refers to significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior which adversely affect educational performance and is manifested during the developmental period.

a. Intellectual Functioning - Significantly subaverage general intellectual functioning is defined as approximately 70 IQ or below as measured by a qualified psychological examiner on individually administered, standardized measures of intelligence. There may be slight variations in this numerical guideline in individual circumstances based upon the following consideration: (1) the reliability of the intelligence tests used and (2) the variability of performance in individuals with similar intellectual scores. Therefore, there may be students with IQ scores below 70 who are not handicapped nor in need of special education, while some students with IQ scores over 70 may indeed be handicapped and in need of special education. This variation in the numerical guideline particularly applies in schools and similar settings where performance is impaired and clinically determined to be due to deficits in reasoning and judgment. Any final determination of the level of intellectual functioning must be based on multiple sources of information and must include more than one formal measure of intelligence.

b. Adaptive Behavior - Deficits in adaptive behavior are defined as significant limitations in an individual's effectiveness in meeting the standards of maturation, learning, personal independence or social responsibility and especially school performance that is expected of the individual's age level and cultural group, as determined by clinical judgment. Any final determination of impairment in adaptive behavior must be based on a variety of information from such sources as parent and teacher interviews, clinical observation, case study information and usually standardized and informal adaptive behavior instruments.

2. Eligibility and Placement

Prior to consideration for referral and placement in a mentally handicapped program, alternative instructional intervention strategies must be considered, described, discussed, and documented through the Student Support Team. A referral to the Student Support Team prior to special education referral may not be necessary for severely and profoundly mentally handicapped students. If the Student Support Team is bypassed, documentation must support this decision.

A student may be classified as mentally handicapped (at one of the levels listed below) when a comprehensive evaluation indicates deficits in both intellectual functioning and adaptive behavior. Such classification allows the individual to be eligible for consideration for special education and related services. A comprehensive education evaluation should be administered to determine present levels of functioning as described in the Program for Exceptional Children's Regulations and Procedures, pages IDDF3-7 & 8. An eligibility report must be completed as part of the evaluation process. A written report must be prepared for each student to provide an adequate description of the data collected during evaluation and to explain why the student is eligible for services in a mentally handicapped program. The eligibility report should be attached to the IEP placement minutes. A student may be classified mentally handicapped at one of the levels listed below.

a. Mildly Mentally Handicapped

(1) Intellectual functioning ranging between an upper limit of approximately 70 to a lower limit of approximately 55; and

(2) adaptive behavior must show significant limitations in coping skills.

b. Moderately Mentally Handicapped

(1) Intellectual functioning ranging from an upper limit of approximately 55 to a lower limit of approximately 40; and

(2) adaptive behavior must show significant limitations in coping skills.

c. Severely Mentally Handicapped

(1) Intellectual functioning ranging from an upper limit of approximately 40 to a lower limit of approximately 25; and

(2) adaptive behavior must show significant limitations in coping skills.

d. Profoundly Mentally Handicapped

(1) Intellectual functioning is below approximately 25; and

(2) adaptive Behavior must show significant limitations in coping skills.

A mentally handicapped student of any level must have a primary intellectual handicap and may or may not have a physical handicap. For a student with a physical handicap, current medical information must be considered in placement and programming.

3. Enrollment

The recommended maximum enrollment for a mentally handicapped program is:

	Self-Contained
Mildly Mentally Handicapped	14
Moderately Mentally Handicapped	10
Severely/Profoundly Mentally Handicapped	4-6

	Resource
Mildly Mentally Handicapped	24
Moderately Mentally Handicapped	N/A
Severely/Profoundly Mentally Handicapped	N/A

	Itinerant
Mildly Mentally Handicapped	20
Moderately Mentally Handicapped	N/A
Severely/Profoundly Mentally Handicapped	N/A

If a teacher serves both self-contained and resource students, the determination of case load should be based on severity of student needs.

4. Additional Information

a. Paraprofessionals

In order to provide appropriate individualized programming, the use of paraprofessionals/aides is recommended for moderately and severely/profoundly mentally handicapped programs. Paraprofessionals/aides may be necessary for mildly mentally handicapped programs. The ratio of one aide per self-contained class is recommended.

b. Work-Study Programs

The time on supervised work-study sites for students enrolled in programs for secondary age mentally handicapped may be counted as part of the instructional program. Students who have completed a prescribed program of in-school study may be placed on work-out experiences, provided the student attends a weekly seminar conducted by the special education teacher or maintains daily attendance of one or more periods on school campus.

B. Behavior Disordered

1. Definition - A behavior disorder is characterized by:

a. An inability to build or maintain satisfactory interpersonal relationships with peers and/or teachers.

b. An inability to learn which cannot be adequately explained by intellectual, sensory, neuropsychological or general health factors.

c. Consistent or chronic inappropriate type of behavior or feelings under normal conditions.

d. Displayed pervasive mood of unhappiness or depression.

e. Displayed tendency to develop physical symptoms, pains or unreasonable fears associated with personal or school problems.

A behaviorally disordered (BD) student is a student who, after receiving regular educational assistance, counseling, alternative placement and/or other procedures available to all students, still exhibits one or more of the above characteristics of sufficient duration, frequency, and intensity that it interferes significantly with educational performances to the degree that provision of special educational services is necessary. The student's difficulty

is emotional/behavioral and cannot be adequately explained by intellectual, cultural, sensory, neurophysiological or general health factors.

2. Eligibility and Placement

A student may be considered for placement in a program for the behaviorally disordered based upon a comprehensive case study which shall include:

a. ocumentation of prior extension of services available in the regular program such as counseling, modifications of the regular program or alternative placement available to all students

b. Psychological and educational evaluations.

c. Report of behavioral observations over a period of time.

d. Appropriate social history.

In addition, the placement committee minutes shall contain adequate documentation of the duration, frequency and intensity of one or more of the characteristics of behavior disorders.

The term does not include socially maladjusted students unless it is determined that they are also behavior disordered. A student whose values (and/or behavior) are in conflict with the school, home or community or who has been adjudicated through the courts or other involvements with correctional agencies, is not automatically eligible for BD placement. Ordinary classroom behavior problems and social problems, such as delinquency and drug abuse, do not automatically qualify a student for BD placement.

3. Enrollment

The recommended maximum enrollment for behavior disorders is: .

Self-Contained	Resource	Itinerant
10	24	20

4. Additional Information

For some regular education children, a behavior problem may be temporary or transitory as a direct result of a crisis in the child's life, such as death in the family, separation or divorce of parents, or another stress provoking situation which could not be determined by looking at the child's behavioral history. Although not eligible for the monthly or December 1 counts, these children may be given support to resolve these problems while still enrolled in the regular education program. This service is only intended for acute problems and is not meant to replace the normal due process procedures which should be operating for students who have a history of personal and social maladaptation. The following provisions shall be followed.

a. Prior to any interim service, there should be definite attempts to notify the parent during the school day. These should be documented. In any case, parental consent must be obtained within 24 hours. The consent form must include a statement of the reason(s) for services and signatures of those recommending interim services.

b. This form shall include the name of at least three persons recommending the service and should include the referral source, the director of special education or designee of the director and special education teacher or principal.

Such services are not intended as an alternative to due process procedures. When interim services extend more than five days or a second occurrence of a similar nature takes place, procedural due process shall be initiated and completed with 20 days for services to be continued.

During the period of service, the teacher of behavior disordered students will provide direct service, as well as coordinate the support and guidance of the regular classroom teacher(s) and principal in dealing with the student's problem.

The direct service provided to the regular education student through crisis intervention shall not supplant the direct services to fully due processed behaviorally disordered students nor will it affect the normal case load. Any crisis intervention service provided to a regular education student will be above the normal case load for the teacher.

C. Severely Emotionally Disturbed

1. Definition - Psychoeducational Centers in Georgia serve severely emotionally disturbed children and youth. (Children and youth are hereafter referred to as children.) All centers may accept children ages 0 through 18 years. Infants from three months through two years, 11 months may be served by the center staff in well baby clinics, community service centers, in parent's homes, or may be served in center classes, or other appropriate settings. Students ages three through 18 can be served by the center staff in classes, direct services or other appropriate settings.

The major admission requirement will be the presence of an emotional disturbance or behavioral disorder severe enough to require this special treatment program. Children with secondary handicapping conditions such as, but not limited to, mental retardation, learning disability, neurological disability, hearing loss, or developmental delay will be accepted if the primary disability is a severe emotional disturbance or severe behavioral disorder. Children who have mild to moderate behavior or discipline problems are not eligible.

2. Eligibility and Placement

Based upon educational and psychological evaluation, psychiatric evaluation as indicated, observation, social history, and appropriate center staffing, one or more of the following characteristics exhibited by the children may be regarded as eligibility for placement.

a. Severe emotional disturbance such as, but not limited to, childhood schizophrenia and adjustment reactions.

b. Severe behavioral disorders resulting from, but not limited to, autism, neurological impairment, cultural deprivation, developmental lag, and family-related problems.

c. Severe school-related problems manifested in, but not limited to, behavior, socialization, communication and academic skills.

The term Severely Emotionally Disturbed does not include socially maladjusted students unless it is determined that they are also severely emotionally disturbed or severely behaviorally disordered. A student whose values (and/or behavior) are in conflict with the school, home or community or who has been adjudicated through the courts or other involvements with correctional agencies, is not automatically eligible for psychoeducational placement. Ordinary classroom behavior problems and social problems, such as delinquency and drug abuse, do not automatically qualify a student for psychoeducational placement.

3. Enrollment

The recommended maximum enrollment for severely emotionally disturbed in Psychoeducational Centers is:

Ages 0 through 14	Ages 15 through 18
8	10

For operational regulations, see VII, Section F.

D. Specific Learning Disabled

1. Definition

"Specific learning disability" means a disorder in one of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an impaired ability to listen, think, speak, write, spell or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing or motor handicaps, mental retardation, emotional disturbance or environmental, cultural or economic disadvantage." (Federal Register, Volume 42, No. 250)

Discussion - This definition is intended to distinguish a specific learning disability from a general learning deficit or from mere underachievement. Its purpose is to help identify a learning disabled student (approximately three percent of school-aged population), while excluding those frequently referred to as "slow learners," whose generally limited mental ability results in pervasive learning problems. The learning disabled student will typically score average or above average on tests of intelligence and, therefore, is predicted to be able to master the requirements of the regular curriculum. The average or above average ability should be verified by corroborating data on one other assessment of the student's performance; e.g., performance in an area of academic achievement, language or basic learning skills that is comparable to the estimate of ability. A small number of learning disabled students may score below the average range on tests of intelligence. For these students, there must be thorough documentation that eligibility criteria have been met.

The learning disabled student has one or more serious academic deficiencies that are sharply discrepant with measured potential and ability. The nature of the deficit(s) is such that classroom performance is not correctable without clinical/specialized techniques that are fundamentally different from those available in the regular classroom or in basic remedial/tutorial approaches. The student's need for academic support is not alone sufficient for eligibility and does not override the other established requirements for determining eligibility.

2. Eligibility

The student who is eligible for specific learning disabilities services must exhibit a deficit in basic learning behavior(s) which is/are manifested in a severe discrepancy between actual achievement and expected performance. Deficits in basic learning behaviors (referred to as "basic psychological processes" in the definition) typically include problems in attending, discrimination/perception, sensory integration, organization, sequencing, short-term memory, long-term memory and/or conceptualization/reasoning. These deficits should be verified by observation, examination of class work samples, interviews with parents, teachers, etc., as well as through formal assessment of student's abilities and achievement. Once a deficit in a basic learning behavior is documented, there must be evidence that the deficit has impaired the student's mastery of the academic tasks required in the regular curriculum. The impairment must be in one of the seven areas identified in the Federal guidelines (see below). An achievement deficit exists when there is a severe discrepancy between current achievement and estimated ability and when the current achievement is below the student's grade placement level.

Students who achieve in classroom academics in a manner commensurate with their ability in academic areas cannot be considered as having a specific learning disability even though they may show deficits on achievement tests in one or more of the seven specified learning areas.

A significant learning deficit must be demonstrated in one or more of the following areas:

a. Oral expression - use of language to communicate ideas, (as opposed to speech disorders).

b. Listening comprehension - ability to understand spoken language at a level that is age appropriate.

c. Written expression - ability to communicate ideas effectively with appropriate language (as opposed to merely poor spelling or grammatical errors or poor handwriting).

d. Basic reading skills - including word attack and sequencing skills in the process of decoding written symbols.

e. Reading comprehension - decoding and understanding the meaning of written language.

f. Mathematics calculation - appropriate processing of numerical symbols to derive results, including spatial awareness of symbol placement and choice of sequence for operations required.

g. Mathematical reasoning - understanding logical relationships between mathematical concepts and operations, including correct sequencing and spatial/symbolic representation.

An initial statement of status must be written for each of the seven areas. Furthermore, each identified deficit must be confirmed by at least two valid measures of performance. One of these measures must be an individually administered standardized instrument which specifically assesses the learning area. Many standardized instruments are available which assess the broad areas of reading, mathematics and language arts. The specific areas of listening comprehension and oral and written expression are embedded in some standardized assessments of language arts. The second measure of a deficit area may be another individually administered instrument or a group administered instrument.

Cognitive and other psychological components of functioning must be assessed by a qualified psychologist employing a comprehensive individual evaluation process. This psychological evaluation must have been administered within the last twelve months if the student is being considered for an initial placement in a specific learning disability program. Achievement data, scores, and interpretation should be reported in a comprehensive educational evaluation which must be current (within 90 school days).

Severe discrepancy should be determined by a comparison of standard scores. The cognitive ability score and achievement score are compared on a common scale, with a mean of 100 and a standard deviation of 15. When each has the same mean and standard deviation, direct comparison is possible. Otherwise the scores will need to be converted to the same scale (see examples below).

For initial placement, a severe discrepancy exists between ability and achievement when, on a common scale with a mean of 100 and standard deviation of 15, an achievement score is 20 or more points lower than the cognitive ability score. For a student undergoing re-evaluation, a severe discrepancy is defined as a difference of 15 points between standard scores on a cognitive ability test and a standardized achievement test on a common scale with a mean of 100 and SD of 15.

The following examples illustrate calculation of standard score comparisons at varying levels of complexity.

Case 1. Same mean (100) and standard deviation (SD) (15) for both instruments.

Cognitive ability score (e.g., IQ)	96
Reading comprehension test standard score	74
Difference	22 points

Conclusion: Student has met severe discrepancy criterion of 20 or more points.

Case 2. Different means and SDs for instruments, with achievement percentile table available for conversion.

Cognitive ability	108
Mathematics calculation test score	352
Mathematics score as percentile rank	48th
Equivalent standard score on cognitive ability test at 48th percentile (from cognitive ability test manual)	99

Subtract equivalent score of 99 from obtained cognitive ability score of 108. Difference is 9 points.

Conclusion: Student's mathematics calculation score is not judged severely discrepant from estimated cognitive ability, since difference on common scale is not 20 or more points.

Case 3. Different means and SDs for instruments, with achievement percentiles not available for intermediate conversion step.

Cognitive ability score	98
Reading mastery test score	38

a. Determine how many standard deviations the achievement score is from its own mean:

50 (Mean)
-38 (obtained Score)
12 points difference

$$\frac{\text{difference}}{\text{SD}} = \frac{12}{10} = 1.2 \text{ SD}$$

b. Multiply this result (1.2) times the standard deviation of the cognitive ability test (15) to find the corresponding difference from mean on the cognitive ability scale.

$1.2 \times 15 = 18$ points

c. Subtract this amount (18 points) from the cognitive ability test mean.

$100 - 18 = 82$ (achievement score equivalent)

d. Subtract this achievement score equivalent (82) from the obtained cognitive ability test score (98).

98 (Obtained cognitive ability score)

-82 (Achievement score equivalent)

16 points difference

Conclusion: Student's reading test

score is not 20 points or more below estimated cognitive ability on a common scale, and is therefore judged not severely discrepant.

When the achievement test of choice gives both age and grade norms for standard scores, the age norms should be utilized, since cognitive ability tests are normed by age. For students who have been retained, norms for the grade appropriate for their chronological age should be used.

Full scale cognitive scores should normally be used to compare with achievement scores. In the rare case where the obtained overall cognitive score is not considered an accurate estimate of the student's realistic potential, an alternate cognitive ability score may be used. Written evidence must be presented which illustrates why this alternate score is a better estimate of the student's overall ability than the full scale obtained score.

Kindergarten or first grade students may be identified as specific learning disabled. However, it is often very difficult to determine if a deficit in basic learning behaviors and a severe discrepancy exists; therefore, extreme caution should be exercised prior to such a decision. Discrepancy should be based on performance within the area of communication and/or readiness skills. These discrepancies should be at least one year below chronological age expectancy and not the result of a lack of experience.

3. Eligibility Team

a. The team must consist of

1. qualified psychologist/psychometrist

2. teacher certified in specific learning disabilities

3. one of the student's regular classroom teachers

These three team members are classified as the voting team members. The eligibility team may request that parents and specialists be consulted based on their knowledge of the student or expertise in learning disabilities.

b. During the evaluation process the team shall have the following responsibilities:

1. consideration of assessment instruments to be used

2. selection of other specialists who may provide specific information about the student's deficit(s) and/or strengths, e.g., speech/language pathologist

3. delineation of duties for each team member

4. establishment of time line for completing the evaluation

5. completion of written team report

c. After all data have been collected, the eligibility team shall confer to discuss their findings, determine if the student is eligible for placement in a specific learning disabilities program and develop the team report. The establishment of eligibility is a professional judgment which is based on all pertinent information that is thoroughly documented on the LD team report or referred to elsewhere in the student's records.

d. It is also the responsibility of the eligibility team to determine that a learning deficit is not due primarily to any of the exclusionary factors listed in the definition. Should the eligibility team determine that the student is eligible for specific learning disability services, the team report is submitted to the Individualized Education Program (IEP) Committee, which has the responsibility to determine placement. If the eligibility team determines that the student is not eligible, then the placement committee should focus on other school-based educational alternatives for meeting the needs of the student.

e. The eligibility team decision regarding program eligibility cannot be reversed by the IEP placement team. Should additional data regarding eligibility be introduced at the IEP meeting, the referral must be returned to the eligibility team.

4. Eligibility Team Report

A written team report must be prepared for each student evaluated by the eligibility team in order to provide evidence upon which the team's decisions were made.

The team report for students eligible for SLD services shall consist of at least the following information:

1. Documentation of alternative approaches to curriculum which were attempted prior to referral

2. Relevant individual psychological information which:

a. establishes a link between learning behavior(s) (basic psychological processes), severe discrepancy (in one or more of the seven areas) and classroom academic performances

b. indicates cognitive ability level

c. gives evidence of strengths that are commensurate with estimated cognitive ability

d. states inferences and conclusions that require consideration in classroom/academic program planning.

3. Report of educational evaluation to include:

a. documentation of all seven areas screened and

b. clearly delineated deficit areas confirmed by a minimum of two assessments in each deficit area, one of which may be informal (standard scores are preferred for reporting results these assessments).

4. Supportive Information:

a. analyzed samples of relevant classroom work

b. results of classroom observation (the behavioral observation should document and relate to the reason for referral)

c. educationally relevant medical information

5. Determination that the discrepant performance is not primarily due to:

a. mental handicap

b. hearing or vision handicap

c. emotional factors

d. environmental disadvantage

e. cultural disadvantage

f. economic disadvantage

g. deficient motor skills

h. atypical educational history (e.g., irregular school attendance, attendance at multiple schools, inappropriate or insufficient teaching)

5. motivational problems (e.g., depression, conflicts with teachers, etc.)

6. Date of the meeting

7. Signature and position of team members

8. Signature and position of any dissenting members (attach dissenting report)

V. Enrollment

The recommended maximum enrollment of specific learning disabilities programs

Self-Contained
10

Resource
24

Itinerant
20

Please consult SLD Resource Manual for additional information.

E. Visually Impaired

1. Definition

Students to be served include those whose visual impairments interfere with functioning in a regular school program. Examples are students whose visual impairments may result from congenital defects, eye diseases, severe refractive errors, or injuries to the eye. Visual impairment is determined on the basis of a current examination by an ophthalmologist or optometrist.

a. Partially Sighted - A partially sighted student is one whose visual acuity falls within the range of 20/70 to 20/200 in the better eye after correction, or when the child cannot read 18 point print at any distance. Some students with a visual acuity better than 20/70 will need specialized help for a limited time. The Placement Committee shall determine whether the visual loss constitutes an educational handicap.

b. Legally Blind - A legally blind student is one whose visual acuity is 20/200 or less in the better eye after correction, or who has a limitation in the field of vision that subtends an angle of 20 degrees. Some legally blind students have useful vision and may read print.

c. Functionally Blind - A legally blind student who will be unable to use print as the reading medium is considered to be functionally blind. Instruction in braille will be essential to this student's education.

2. Eligibility and Placement

a. Vision screening, with special emphasis on early childhood screening, shall be provided for all children referred for special education services. A successful screening program requires the coordinated efforts of the local education agency, parents, ophthalmologists, optometrists, health department, social workers and interested trained volunteer agencies; e.g., PTAs, Lions Clubs, service organizations, home economics trainees, etc. Training in screening techniques may be secured from the local and/or state health departments and the Georgia Society for Prevention of Blindness.

b. Screening failures, as defined by the vision guidelines of the Division of Physical Health of the Georgia Department of Human Resources, shall be referred to ophthalmologists or optometrists for correction and follow-up.

c. An eye examination report (refer to

Georgia Department of Education's Visually Impaired Resource Guide Eligibility Criteria), completed and signed by the ophthalmologist or optometrist who examined the child, must be submitted to the staffing committee.

d. A current individual educational program (IEP) must be developed through an appropriate staffing.

3. Enrollment - the recommended maximum enrollment is 12.

Factors such as severity of impairment, age span and distance between schools should be considered when determining case loads.

4. Additional Information

a. Federal Quota Allocation - All children whose vision falls within the definition of legal blindness are registered by their school system through the Georgia Department of Education to be included in the Federal Quota Allocation for legally blind children.

The Textbook Library located in the Library for the Blind serves as a clearing house for all textbooks and instructional materials purchased through Federal Quota Funds. Other books, records, aids and materials may be secured at any of the Regional Talking Book Centers or through the Georgia Learning Resources System (GLRS) Network.

b. Services - school personnel should register with all national agencies and organizations that provide materials and services to the visually impaired. Agencies and organizations are listed in the Georgia Department of Education's Visually Impaired Resource Guide.

F. Deaf-Blind

1. Definition

"Deaf-Blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that students with both impairments cannot be accommodated in special education programs solely for deaf or blind children

2. Eligibility and Placement

For a child to be determined eligible for placement in special programs for the deaf-blind, the child must have current audiological and ophthalmological examinations from qualified professionals. A current individual education program (IEP) must be developed through an appropriate staffing.

3. Enrollment

The recommended maximum enrollment for deaf-blind is 6. The case load for an itinerant teacher may vary according to geographic distances covered and severity of handicaps of children served.

4. Additional Information

In addition to the information contained under General Provisions, facilities and equipment provided for the hearing impaired and the visually impaired should be provided for deaf-blind children.

G. Speech-Language Disordered

1. Definition

Speech-language disordered programs provide diagnostic (evaluative), therapeutic (habilitative) and consultative services for students handicapped by speech-language disorders. A speech-language disorder is one in which a communication skill differs so far in manner or content from that of peers that it calls attention to itself; disrupts communication; or affects emotional, social, intellectual or educational growth. However, overall functioning (i.e., physical, intellectual, emotional, etc.) must be considered when determining the presence of a communication disorder and the need for direct and/or indirect speech-language services. Speech-language disorder refers to impairments in the areas of language, articulation, voice and fluency.

A speech-language disorder may range from mild to severe. Individuals may demonstrate any combination of speech language disorders with or without accompanying physical, intellectual or emotional problems. The speech-language disorder may be the primary handicapping condition(s).

A. Articulation Disorder - Articulation disorder is defined as the abnormal production of speech sounds. It is characterized by the omission of sounds, substitution of one sound for another, sound distortions, inappropriate addition of a sound and/or lack of normal speech sound integration during conversational speech. The term articulation disorder does not include students: 1) whose communication problems result primarily from dialectal differences, 2) whose speech sound errors are at or above age level according to established developmental norms, or 3) who exhibit tongue thrust behavior without an associated articulation disorder.

b. Fluency Disorder - Fluency disorder is defined as a problem in initiating and/or maintaining speech flow, and is characterized by interferences such as repetitions, prolongations, hesitations, broken words and revisions.

c. Language Disorder - Language disorder is defined as the abnormal acquisition, comprehension or expression of language. The disorder may involve all, one or some combination of the components of the linguistic system. The components include semantics (word meanings), syntax (rules governing the order and combination of words), morphology (structure of words and construction of word forms), phonology (speech sound system) and pragmatics (use of language in context). The term language disorder does not include students whose communication problems result from their native language being other than English or from their dialectal differences unless it is determined that they also have a speech-language disorder.

d. Voice Disorder - Voice disorder is defined as the absence or abnormal production of voice characterized by inappropriate vocal quality, pitch, loudness and/or prosody (including rate).

2. Eligibility

A student is eligible for placement in a speech-language disordered program if, following a comprehensive evaluation (see PLACEMENT), the student demonstrates one or more of the following disorders (as defined above).

a) Articulation disorder
b) Fluency disorder
c) Language disorder
d) Voice disorder

Eligible students may receive direct or indirect services from the speech-language pathologist. To receive direct services, the student must demonstrate at least one behavior from each of the following pre-speech language skill areas.

a. Visual or auditory attention

(1) Visually tracks objects and/or people.

(2) Localizes sounds (speaker's voice, environmental sounds, etc.)

b. Motor-imitation

(1) Imitates body movements within physical limitations.

(2) Attempts to imitate vocalizations (speech and non-speech related) within physical limitations.

c. Interaction skills

(1) Manipulates objects in a functional manner.

(2) Follows one-step commands within physical limitations.

(3) Looks for familiar objects when named.

(4) Uses an observable pattern of gestures or vocalizations which may or may not be understood by persons in his immediate environment to indicate needs or desires.

3. Placement

a. Placement Considerations - Evaluation and placement of students shall be made in accordance with provisions of P.L. 94-142 and the general provisions of Georgia's Program for Exceptional Children Regulations and Procedures. Each student considered for placement in a speech-language disordered program shall receive a comprehensive evaluation by a certified speech-language pathologist prior to initiation of placement procedures. Following hearing and vision screening, this evaluation consists minimally of an initial appraisal of the student's articulation, language, fluency, voice and oral mechanism and an indepth evaluation of those areas suspected of being disordered. In students having a voice quality disorder, an evaluation by a laryngologist is also necessary to determine the status of the vocal mechanism.

b. Continuum of Services - Local school systems shall develop and implement comprehensive speech-language disordered programs, emphasizing a continuum of services for all students in need of such services. While most speech-language disordered services are provided on a resource basis, provision shall be made for alternative delivery models as dictated by locally identified needs. Refer to the Georgia Department of Education's Speech- Language Disordered Resource Manual for descriptions of commonly used direct and indirect program delivery models.

4. Enrollment

Caseload size should be based on the severity of the students identified and the type and extent of services needed. Most caseloads will include students from each severity level (e.g., mild, moderate and severe). Provisions should be made to reduce caseload size according to severity and type of problem, and extent of services needed.

Each student's IEP must include a statement of severity under the description of the present level of speech-language performance. This statement should relate to the student's overall functioning (i.e., physical, intellectual, emotional, etc.).

a. Mild - Student can be understood by and/or understand others but has some deviation from normal speech-language which calls attention to itself or has speech-language nearly commensurate with his overall functioning.

The recommended maximum enrollment for mildly speech-language disordered students is 60.

b. Moderate - Student can be understood by and/or understand most persons but is at some disadvantage using verbal expression for effective communication, or has inadequate speech language when compared with overall functioning.

The recommended maximum enrollment for moderately speech-language disordered students is 40.

c. Severe - Student cannot be understood by and/or understand most persons without great difficulty, is at a significant disadvantage when using verbal expression as a communication avenue, or has grossly inadequate speech-language when compared with overall functioning.

The recommended maximum enrollment for severely speech-language disordered students is 20.

5. Additional Information

Communication Aides - A communication aide is an individual who performs a portion of the SLP's duties under the supervision of a SLP employed full time by the LEA. The communication aide is viewed as an adjunct to the SLP in the provision of services. The primary responsibility for the management of the speech-language pathology program remains with the SLP. Parents should be informed that their child will be served by a communication aide in addition to the supervising SLP.

A communication aide must be supervised by a speech-language pathologist employed full time by the LEA and certified at the SLP-5 or SLP-6 level. There should be no more than one communication aide assigned to each full-time certified speech language pathologist. The communication aide shall hold a valid license as provided for in Georgia's Requirements and Regulations for the Certification of Teachers and School Personnel.

Students may not receive services exclusively from the communication aide but must also receive services from the supervising SLP at least once per month. In addition, the supervising SLP must provide direct on-site supervision of the aide's sessions with students. This should be provided on a regularly scheduled basis.

Each LEA employing communication aides must provide or contract with an agency to provide job-related pre-service and in-service training for communication aides. Communication aides must be involved in a 50 clock-hour training program which should be organized, administered and staffed by a SLP who holds a minimum of an SLP-5 certificate and have at least one year of experience. The majority of this training must take place before the aide provides direct services.

Documentation of a communication aide's training, including an outline of training topics, must be maintained by the LEA.

H. Hearing Impaired

1. Definition

A hearing impaired child is one who exhibits a hearing loss which interferes with the acquisition or maintenance of auditory skills necessary for the development of speech, language and academic achievement.

a. Hard-of-Hearing is the absence of enough measurable hearing in both ears without amplification to limit the normal development of speech, language, auditory skills and academic achievement. A hard-of-hearing child is one that exhibits a pure tone average range of 30-60 decibels ANSI (American National Standards Institute).

b. Deaf is the absence of enough measurable hearing in both ears without amplification to greatly impair the normal development of speech, language, auditory skills and academic achievement. A deaf child is one that exhibits a pure tone average of 65-90+ decibels ANSI.

2. Eligibility and Placement

Audiological evaluation shall be provided with initial referral. Otological evaluation shall be provided within 90 days of placement. Evaluations by licensed medical doctors should be updated as indicated but not to exceed three years.

Hearing impaired students shall have an audiometric evaluation performed by or under the supervision of a certified/licensed audiologist annually or as otherwise indicated. The program and class placement of hearing impaired students shall depend on the following factors: communication ability, severity of loss, educational abilities and presence of other handicaps. It is recommended that a psychological evaluation, using instruments appropriate for hearing impaired students, be included as part of the data when placement is being considered. An educational assessment that includes basic academic skills, expressive and receptive communication abilities with/without amplification and social and emotional adjustment shall be used in the development of the IEP.

3. Enrollment

The recommended maximum enrollemnt for hearing impaired programs is:

Self-Contained	Resource/Itinerant
8	12

Maximum case loads should be dictated by the individual needs of students. Major considerations for reduction should be given to case loads containing a large number of deaf students as these students may require more intensive service. In school systems where preschool programs exist, the recommended maximum enrollment is six (6). The chronological age range in self-contained classes should not exceed five years.

4. Additional Information

In addition to the information contained under General Provisions, any classroom for hearing impaired students must be in a location where noise and interruption can be minimized. Amplification equipment must be provided as necessary, as well as procedures for monitoring and maintaining school and students' amplification equipment. Ideally, the room should be carpeted, draped or otherwise sound treated.

I. Orthopedically Handicapped

1. Definition

Orthopedically handicapped refers to students whose severe orthopedic impairments affect their educational performance to a degree that they cannot be educated in regular classes of the public schools on a full-time basis without the provision of special education services.

Orthopedically handicapped may refer to conditions such as:

a. Muscular or neuromuscular handicaps which significantly limit the ability to move about, sit or manipulate the materials required for learning.

b. Skeletal deformities or abnormalities which affect ambulation, posture and body use necessary in school work.

Secondary handicapping conditions may be present. These conditions may be include, but are not limited to, visual impairments, hearing impairments, speech impairments and mental handicaps.

2. Eligibility and Placement

To be eligible for placement, a student must have:

a. A current medical report from a physician qualified to assess the physical problems. This report shall describe the handicapping condition and any medical implication for instruction.

b. A comprehensive educational evaluation. When this evaluation indicates a significant academic deficit, a psychological examination shall be given.

Evaluations should indicate a deficit in one or more of the following areas: academic, behavioral, social, motor, communicative. Assessment should include information related to augmentative communication systems; i.e., communication boards.

It is recommended that a student be functioning no lower than criteria outlined for mildly mentally handicapped. Students functioning as moderately or severely mentally handicapped should be placed according to their intellectual abilities and provided related services in those settings as defined in their IEP's.

3. Enrollment

The recommended maximum enrollment for orthopedically handicapped is:

Self-Contained	Resource
10	12

4. Additional Information

a. One teacher's aide per class is recommended.

b. Architectural barriers that prevent the student from using the school facilities shall be eliminated.

J. Other Health Impaired

1. Definition

Other health impaired refers to students whose chronic health problems result in a lack of strength, vitality or alertness and adversely affects educational performance. Examples include heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophelia, epilepsy, leukemia and diabetes.

2. Eligibility and Placement

To be eligible for placement, a student must have:

a. A current medical report from a physician or physicians qualified to assess the health problems. This report shall describe the resulting handicapping conditions and any medical implications for instruction.

b. A comprehensive educational evaluation which indicates that the academic deficits have resulted from the health problem.

3. Enrollment

Due to the nature of the handicapping conditions and frequent absences from school, identified students with other health impairments may be served by the regular education program with hospital/homebound services as needed.

The IEP should be developed to provide flexibility of services so that the student's program might include a shortened school day or modified school week.

4. Additional Information

The unique needs of these students may necessitate the provisions of special equipment and adaptation to the school environment.

VII. INSTRUCTIONAL SUPPORT SERVICES

A. Hospital/Homebound Instruction

1. Definition

Hospital/Homebound (H/H) refers to those students who have a medically diagnosed physical condition which restricts them to their home or a hospital for a period of time which will significantly interfere with their education.

2. Eligibility and Placement

a. A medical referral form shall be completed by a licensed medical physician. The physician shall project that the student will be absent a minimum of 10 school days and is physically able to profit from educational instruction.

b. Students are not eligible if absence is due to communicable diseases, emotional problems, expulsion, suspension, uncomplicated cases of pregnancy, or abuse of chemical substances.

3. Enrollment

The recommended maximum enrollment for hospital/homebound is 8. The enrollment may vary according to geographic distances covered.

4. Additional Information

a. The student is counted present each day if seen a minimum of 3 hours per week.

b. An adult shall be present in the home during the instructional period.

c. The student's school shall be responsible for providing curriculum materials and assignments on a scheduled basis.

d. The responsibility for students hospitalized in facilities outside the local education agency (LEA) lies with the student's LEA. The LEA may make appropriate arrangements for hospital instruction with the school system in which the facility is physically located.

B. Physical Education for Handicapped Students

Physical education services, specifically designed if necessary, must be made available to every handicapped student receiving a free appropriate public education. Each handicapped student shall be afforded an opportunity to participate in the regular physical education program unless enrollment is full-time in a special facility or the IEP specifies a specially designed physical education program.

The following types of physical education program arrangements may be necessary in order to provide appropriate physical education for all handicapped students:

a. Regular physical education with non-handicapped students;

b. Regular physical education with adaptations;

c. Specially designed physical education;

d. Physical education in special settings.

The physical education program for students in special settings could be based on a state-approved or recommended curriculum guide with most of the students in this setting participating as a group in a basic skills physical education program.

For students requiring specially designed physical education, the physical education program must be addressed in all parts of the IEP (e.g., present levels of educational performance, goals and objectives, and specific services to be provided).

The following general guidelines may assist the special education placement committee in determining if a handicapped student may require a specially designed physical education program:

a. Performance below 30th percentile on standardized tests of motor development, motor proficiency, fundamental motor skills and patterns, physical fitness, game/sport skills and/or perceptual-motor functioning;

b. Developmental delay of two or more years based on appropriate assessment instruments.

c. Severe range of handicapping conditions according to eligibility criteria established in Program for Exceptional Children Regulations and Procedures;

d. Social/emotional and physical capacities and capabilities such that goals set for the regular physical education class are not appropriate for the special education student or, if by the student's inclusion, the goals for the regular physical education program have been significantly modified.

10. Idaho

Idaho

IDAHO STATE BOARD OF EDUCATION
RULES AND REGULATIONS
PERTAINING TO

SPECIAL EDUCATION

AND

FEDERAL REGULATIONS UNDER P.L. 94-142, THE EDUCATION OF ALL HANDICAPPED CHILDREN ACT

January, 1983

DEPARTMENT OF EDUCATION
STATE of IDAHO

JERRY L. EVANS
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

BOISE, IDAHO

ALPHABETICAL DEFINITION OF TERMS

		AUTHORITY/COMMENTARY
1.1	ACCESSIBILITY. Section 504 of the Rehabilitation Act of 1973, as amended, requires that no handicapped person shall be subjected to discrimination because of inaccessible or unusable facilities. Programs when viewed in their entirety must be accessible to handicapped persons. This does not, however, require that each school district facility or every part of a facility be accessible to or usable by handicapped persons.	Section 504, The Rehabilitation Act of 1973
1.2	ANCILLARY PERSONNEL. Those who give supportive services to the regular education program include the following personnel, as defined by Idaho law: special education teachers, consulting teachers, visiting teachers for homebound students, speech therapists, hearing therapists, school social workers, psychological examiners, school psychologists, supervisors, directors, and teacher aides.	Section 33-2002A, Idaho Code
1.3	CHILD STUDY TEAM. A Child Study Team is a multidisciplinary group of school personnel, parents, and others who are responsible for comprehensive evaluation and the development, implementation, ongoing evaluation, and annual review of individual education programs for exceptional students.	P.L. 94-142, 300 .343
1.4	CHRONICALLY ILL (Other Health Impairment). Chronically ill means those students with limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes which adversely affects a child's educational performance.	IDAPA 08.03.E.12,1.a
1.5	COMMUNICATION DISORDERS. Students with communication disorders include: (1) SPEECH IMPAIRED: Involving stuttering, impaired articulation, or a voice impairment which adversely affects a child's educational performance; (2) LANGUAGE IMPAIRED: Expressive and/or receptive language skills, either oral and/or graphic, which deviate from the accepted norms in terms of grammatical, morphological and semantic performance and which adversely affect a child's educational performance;	IDAPA 08.02.E. 12,1.b

		AUTHORITY/COMMENTARY
	Section 33-1006A, Idaho Code, provides funding for exceptional children including gifted, Appendix B provides an expanded listing and definitions of exceptional children.	
1.11	SUPPORT PROGRAM. Financial assistance for the transportation and of attendance of students in Idaho schools.	Section 33-1002, Idaho Code
1.12	FREE APPROPRIATE PUBLIC EDUCATION. Free appropriate public education and related services which: (1) Are provided at public expense, under public supervision and direction and without charge. (2) Include elementary and secondary school education as well as programs provided through other public agencies. (3) Are provided in conformity with an individualized education program.	P.L. 94-142
1.13	GIFTED/TALENTED. The term gifted/talented refers to those students who are identified as possessing demonstrated or potential abilities that give evidence of high performing capabilities in intellectual, creative, specific academic and/or leadership areas, or ability in the performing or visual arts.	IDAPA 08.02.E.12,1.f
1.14	HEARING IMPAIRED. Those students with auditory impairments can include: (1) Hard of Hearing - those students whose hearing impairment, whether permanent or fluctuating, adversely affects their educational performance but which is not included under the definition of deaf. (2) Deaf - those students whose hearing impairment is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.	IDAPA 08.02.E.12,1.g

		AUTHORITY/COMMENTARY
1.14	(3) HEARING IMPAIRED: (See definitions for Deaf and Hard of Hearing in this section).	
1.6	COMPREHENSIVE EVALUATION. Comprehensive evaluation is the multi-factored, multi-disciplined assessment which includes the totality of information needed to make educational decisions about an exceptional child. The purpose of comprehensive evaluation is to assist the Child Study Team in determining annual eligibility of students for special education, to help formulate the Individual Education Program (IEP): Total Service Plan and IEP: Instructional/Implementation Plan; and to determine the least restrictive educational setting for each exceptional child.	IDAPA 08.02E.12,1.c
1.7	COMPULSORY SCHOOL ATTENDANCE. All children between ages 6-16 must attend school.	
1.8	DEAF-BLIND. Deaf-blind means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in regular education programs.	IDAPA 08.02.E.12,1.d.
1.9	EMOTIONALLY IMPAIRED. A condition in which the following characteristics are exhibited over a long period of time and to a marked degree which adversely affects educational performance: 1) an inability to learn which cannot be explained by intellectual, sensory, or health factors; 2) an inability to build or maintain satisfactory interpersonal relationships with peers and adults; or 3) inappropriate types of behavior or feelings under normal circumstances. This term does not include children who are socially maladjusted, unless it is determined they are emotionally impaired.	IDAPA 08.02.E.12,1.e
1.10	EXCEPTIONAL CHILDREN. "Those children whose handicaps or capabilities are so great as to require special education and special services in order to develop to their fullest capacity. This definition includes but does not limit itself to those children who are physically handicapped, mentally handicapped, mentally retarded, emotionally disturbed, chronically ill, or who have perceptual, visual or auditory handicaps or speech impairments, as well as those children who are so academically talented that they need special education programs to achieve to their fullest potential."	Section 33-2002, Idaho Code

		AUTHORITY/COMMENTARY
1.15	INDIVIDUAL EDUCATION PROGRAM (IEP). The IEP is the written statement describing the educational objectives for and the services to be provided to each exceptional student. Educational objectives and services include both instruction and those related services required to meet the unique needs of exceptional children and are derived from a comprehensive evaluation of the child and his environment. The elements included in the plan are statements of present educational performance, annual goals, short-term instructional objectives and services to be provided to meet these objectives, conditions under which services will be delivered (where, when and by whom) and evaluation criteria. The Individual Education Program (IEP) has three phases: the Total Service Plan; the Individual Instructional/Implementation Plan; and the Annual Review.	IDAPA 08.02.E.12,1.h
1.16	SEVERELY HANDICAPPED. Those students are severely handicapped who, because of the intensity of their physical, mental, or emotional impairment, require a specialized education program. These students may include but are not limited to profoundly retarded, deaf, blind, and multiply handicapped.	IDAPA 08.02.E.12,1,i
1.17	SPECIFIC LEARNING DISABILITIES. Disorders in one or more of the basic psychological processes involved in understanding or in using spoken or written language which may be noticed in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia, but does not include learning problems which are primarily the result of visual, hearing, or motor handicaps; of emotional disturbance; of mental retardation; or of environmental, cultural, or economic disadvantage.	IDAPA 08.02.E.12,1.j
1.18	LEAST RESTRICTIVE ENVIRONMENT. Least restrictive environment refers to the placement of exceptional children in regular education programs to the maximum extent appropriate, unless another educational placement is required to meet the student's needs as determined by the Child Study Team in the development of the child's Individual Education Program: Total Service Plan.	IDAPA 08.02.E.12,1.k

		AUTHORITY/COMMENTARY
1.19	LEGAL SCHOOL AGE. All persons resident of the State, between the ages of five (5) and twenty-one (21) years, may attend Idaho public schools. Section 33-2001 of the Idaho Code states that the age of five (5) years shall be attained when the fifth anniversary of birth occurs anytime before the beginning of the sixteenth day of October; however, for a resident child who does not attend a kindergarten, the age of six (6) shall be reached before the beginning of the sixteenth day in October.	Section 33-201, Idaho Code
1.20	MENTALLY RETARDED. Significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period which adversely affects a child's educational performance. For delineation of levels of severity (mild, moderate, severe and profound), see Appendix B.	IDAPA 08.02.E.12,1.l
1.21	MULTI-DISTRICT UNIT. A multi-district unit can be established when two or more school districts cooperatively provide those special education services which they are unable to offer singly and/or which can be provided more economically or efficiently in combination with other districts.	IDAPA 08.02.E.12,1.m
1.22	OTHER HEALTH IMPAIRED. (See Chronically Ill)	Section 33-2002 Idaho Code
1.23	PARENT. The term parent means a parent, a guardian, or a surrogate parent.	IDAPA 08.02.E.12,1.n
1.24	PERCEPTUALLY IMPAIRED. (see Specific Learning Disabilities)	Section 33-2002 Idaho Code
1.25	PHYSICALLY HANDICAPPED (Othopedically Impaired). A severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomalies, impairments caused by disease, and impairments from other causes.	IDAPA 08.02.E.12,1.o
1.26	RELATED SERVICES. Related services refer to transportation and such developmental, corrective and other supportive services as are required to assist an exceptional child to benefit from special education and include speech and language pathology, audiology, psychological services, physical and occupational	IDAPA 08.02.E.12,1p

		AUTHORITY/COMMENTARY
	therapy, recreation, early identification and assessment of disabilities in children, counseling services and medical services for diagnostic or evaluation purposes, school health services, social work services in school, and parent counseling and training.	
1.27	SPECIAL EDUCATION. Special education shall be defined as specially-designed instruction and/or related services, at "no cost" to the parents, to meet the unique needs of an exceptional child. The term "at no cost" means all specially-designed instruction and/or related services provided without charge but does not preclude incidental fees which are normally charged to non-handicapped students or their parents as a part of the regular education program.	IDAPA 08.02.E.12,1.q
1.28	SPEECH THERAPIST - HEARING THERAPIST. Ancillary personnel defined as speech therapists and hearing therapists are currently referred to as communication disorders specialists and audiologists.	IDAPA 08.02.E,12,1.r
1.29	VISUALLY IMPAIRED. Those students who have visual impairments which, even with correction, adversely affect a child's educational performance. The term includes both partially sighted and blind. "Partially sighted" refers to the ability to use vision as one channel of learning if educational materials are adapted. "Blind" refers to the prohibition of vision as a channel of learning, regardless of adaptation of materials.	IDAPA 08.02.E.12,1.s

	AUTHORITY/COMMENTARY
.2 The IEP: Instructional/Implementation Plan for each exceptional student which includes measures of on-going student progress.	IDAPA 08.02.E.12, 3.v.iii(b)
.3 Records of parent conferences.	IDAPA 08.02.E.12, 3.v.iii(c)
.4 Scheduling arrangements regarding the delivery of services.	IDAPA 08.02.E.12, 3.v.iii(d)
3.18 MAINTAIN A FINANCIAL ACCOUNTING SYSTEM. Each local school district shall maintain a separate accounting of receipts and expenditures for special education. A report of the funds received and spent in special education shall be included in the Annual Financial Report of the school district.	Commentary
3.19 SPECIAL EDUCATIONAL PROGRAM MODELS. Following are descriptions of approved program models for special education programs in Idaho.	IDAPA 08.02.A.6
3.19.1 Gifted/Talented Model: An in-school or out-of-school program that can include any of the following or a combination of the following service delivery options: resource program, mentor program, community resources, learning center, and/or services and resources provided within the regular classroom.	IDAPA 08.02.A.6,1
3.19.2 Itinerant Program Model: A model which provides assistance both directly to exceptional students or to regular classroom teachers, parents, administrators and others involved in the educational planning and implementation of special education for exceptional students.	IDAPA 08.02.A.6,2
3.19.3 Resource Program Model: A model which is a supplementary program to the regular classroom. The setting may be the regular classroom, a resource room, and/or a learning center. The regular and special education teachers have the joint responsibility for the educational program of the student in this program model. This model is designed for students with any exceptionality who are enrolled in special education on a part-time basis, but should participate in regular education to the maximum extent possible.	IDAPA 08.02.A.6,3

		AUTHORITY/COMMENTARY
3.19.4	Special Design Model: A model developed by a district to deliver services in a unique manner when other program models are not applicable. Annual State Department approval is required.	IDAPA 08.02.A.6,4
3.19.5	Self-Contained Program Model: A model in majority of the day in special education. The special education teacher has the major responsibility for the educational program of the student within this model. Exceptional students enrolled in this program model should participate in a resource program or regular education to the maximum extent possible.	IDAPA 08.02.A.6,5
3.19.6	Contract Program Model: A model which may be used when an appropriate educational program cannot be provided for exceptional students within the local school district. Contractual programs require annual approval by the State Department of Education. Contracts may be between districts or between districts and agencies.	IDAPA 08.02.A.6,6
3.19.7	Homebound Program Model: A model which is for students who are unable to attend school due to temporary illness, accident, or an unusual handicapping condition. A student must be absent from school 10 consecutive days or a physician's statement must certify in advance that absence will exceed this period of time.	IDAPA 08.02.A.6,7
3.20	AUTHORIZATION FOR SDE TO ANNUALLY APPROVE SPECIAL EDUCATION AGENCIES AND CONTRACTS	IDAPA 08.02.B.6,
3.20.1	The State Board of Education has granted the State Department of Education the authority to approve all contractual agencies and each special education contract utilizing the following State Board of Education policies and procedures:	

		AUTHORITY/COMMENTARY
.5	After approval has been given to a school district, agency, hospital or corporation for special education contractual services, the local school district shall submit to the Department of Education an appropriate contract on a form approved by the State Board of Education.	IDAPA 08.02.B.6, 5
.6	The State Department of Education shall approve or disapprove all special education contracts and notify the appropriate local school district(s) as well as any contractual unit.	IDAPA 08.02.B.6,6
.7	The State Department of Education shall monitor the ongoing progress quality of the contractual program in the same method that local school district special education programs are reviewed.	IDAPA 08.02.B.6,7
.8	The State Department of Education shall annually submit a report of contractual services to the State Board of Education including the numbers and types of children being served, a listing of contractual programs, and the total amount of state funds authorized for such programs.	IDAPA 08.02.B.6,8

AUTHORITY/COMMENT

4.1 RECEIPTS

4.1.1. Income Generated by Salaries Reimbursed by State

IDAPA 08.02.B.4

.1 A regular salary schedule is defined as the base salary for teachers, without amendments for any purpose, that has been approved by the school district board of trustees. Allowable salary for certificated ancillary personnel may recognize extended time of employment in the school year.

.2 For purposes of state reimbursement at eighty percent (80%) of the contract salary based upon placement on the regular teachers' salary schedule of the district, the following funding ratio is established:

IDAPA 08.02.B.5

Ancillary Personnel	Funding Ratio
School Psychologists	1 to 2,000 students
Communications Disorders Specialists	1 to 2,000 students
Social Workers	1 to 2,000 students
Audiologists	1 to 6,000 students
Facilitators of Gifted/Talented Programs	1 to 2,000 students (up to maximum of 10 per district)
Director of Special Education	1 approved for 10 special education programs and 2 or more supportive personnel (part-time directors must be employed on at least a 50%, .50 FTE basis)
Superwisor of Special Education	1 approved for each group of fifteen (15) special education programs in addition to the first ten

Consulting Teachers	1 for each group of fifteen (15) special education programs
Psychological Examiner	1 may be approved the first two (2) school psychologists, one additional examiner may be approved for each three (3) additional school psychologists

.3 Exception to Ancillary Ratio Requirement

IDAPA 08.2.B.5.1

Exceptions to the ancillary ratio requirement may be requested by writing the State Department of Education, Special Education Section, for review by the State Ancillary Funding Committee. Exceptions may be granted under the following circumstances:

.1 Significant numbers of severely handicapped students served.

.2 Large number and/or nature of assigned special education programs for which personnel are responsible.

.3 Extensive travel required.

.4 Geographic and road conditions.

.5 Student enrollment is less than the minimum established for the employment of personnel.

.4 Teacher Aides

IDAPA 08.02.B.5

The allowance for teacher aides of special education teachers shall not exceed eighty percent (80%) of the amount approved by the State Board of Education.

Instructional aides may be approved for ancillary reimbursement when the caseload of special education programs exceeds the following:

Program Model	No. of Students
Resource Program Model	15 or more
Self-contained Program Model: Moderate	15 or more
Self-contained Program Model: Severe	8 or more

For purposes of State ancillary funding (80%) instructional aides will not be approved for gifted/talented facilitators, consulting teachers, communications disorders specialists, school psychologists, psychological examiners, directors/supervisors, social workers, audiologists, or homebound teachers.

Commentary

.5 Homebound Teachers

IDAPA 08.02.B.5

For a teacher of a homebound student, there shall be a prorating of time spent related to full-time home instruction. State ancillary funding may not be available for a homebound teacher if the teacher is already receiving ancillary state funding as a special education teacher or another ancillary position.

Title VI-B funds may be considered an alternative source of funding for a homebound teacher of a handicapped student.

Commentary

.6 Evaluation Services

IDAPA 08.02.B.5,2

In school districts where diagnostic ancillary personnel are not available, approved and certified personnel may be employed on a part-time or daily basis in order to assess students to determine eligibility for placement in a special education program and to assist in the development and implementation of the Individual Education Program. State reimbursement of eighty percent (80%) of the cost of these contracted services will be made to districts involved with such arrangements.

4.1.2. Income Generated by Approved Contracts

IDAPA 08.02.B.5,3

A school district which contracts for special education services with another agency may receive up to a maximum amount of state funding, as annually determined by the State Department of Education and approved by the State Board of Education. The amount of the tuition rate certified for the sending district under the provisions of Idaho Code will be included in this maximum amount approved. When any agency contracts for the education of exceptional children, all such children shall be enrolled in the district of their residence, and the agency shall certify to the home school district the daily record of attendance of such students. Noneducational costs (board and room, etc.) are not allowed with state contract funds.

For special education contracts between local school districts, the sending district shall provide the receiving district the amount of the receiving district's tuition rate, as certified under the provision of Idaho Code. The receiving school district shall include students served within such contract within the total number of special education students used to calculate exceptional education support unit

4.1.3 Income Generated by the Exceptional Education Support Program

IDAPA 08.02.B.5,4

.1 State reimbursement provided by exceptional education support units is available for the following maximum number of exceptional students in the approved special education program models.

Program Model	Without Aide	With Aide
Resource Program Model	12	16
Self-Contained Program Model: Moderate	12	16
Self-Contained Program Model: Severe	6	10
Gifted/Talented Model	16	NA
Communications Disorders Specialist	6	NA

		AUTHORITY/COMMENT
.2	Exceptional students served by a communication disorders specialist for whom additional funding is provided by exceptional education support units (maximum 6 students) may not be students who are receiving funding in another special education program.	IDAPA 08.02.B.5,5
.3	Exceptional students approved for state funding will be totalled and computation of support units based on the table provided in Section 33-1002, Idaho Code, will determine the number of total exceptional education support units for the district.	Commentary
.4	A maximum of 3.5%of the school district's school-age population identified as learning disabled may be approved for special education funding provided by the support program units.	IDAPA 08.02.B.5,6
.5	In school districts where numbers of students in learning disability programs exceed the approved percentage for funding but are eligible under state minimum requirements established by the State Department of Education as well as additional local district eligibility criteria, the following appeal procedures shall be followed:	IDAPA 08.02.B.5,7
	.1 The school district shall submit a written appeal to the Special Education Section of the State Department of Education stating	

		AUTHORITY/COMMENT
	the conditions upon which the appeal is based. This shall include: documentation of eligibility criteria used for selection; description of assessment procedures used to confirm student eligibility; and documentation that identified students cannot be maintained in a regular education program on a full-time basis.	
.2	Personnel of the Special Education Section of the State Department of Education will make an on-site visit for the purpose of verifying the documentation presented by the district.	
.3	The school district appeal and a report from the on-site visit will be submitted to the State Ancillary Funding Committee for final disposition.	
4.1.4.	Income Generated from Federal Sources of Funding	
.1	Title VI-B Funds (P.L. 94-142). Title VI-B can be used for the initiation, improvement, or expansion of special education programs for handicapped (excluding gifted/talented) students within a school district operation.	P.L. 94-142 300 .230-324
	These funds are to be used for allowable excess costs and not to supplant local or state funds.	300 .230
	In order for a school district to be eligible for Title VI-B funds, the aggregate total amount of state and local funds budgeted for special education for any given fiscal year must be at least equal to the total amount of state and local funds actually expended in the most preceding fiscal year for which information is available. Allowances can be made, however, for	300 ..182-184 300 .229

APPENDIX A

Procedures for Comprehensive Evaluation, Standards for Eligibility, and requirements for Annual Review (Re-evaluation)

Specific Learning Disability A-1
Mentally Retarded A-4
Emotionally Impaired A-6
Gifted/Talented A-8
Communication Disorders: Speech Impaired A-9
Communication Disorders: Language Impaired . . . A-10
Communication Disorders: Hearing Impaired . . . A-11
Physically Handicapped (Orthopedically Impaired) A-12
Chronically Ill (Other Health Impaired). . . . A-13
Visually Impaired A-14

EXCEPTIONALITY: Specific Learning Disability

DEFINITION: A disorder in one or more of the basic psychological processes involved in understanding or in using spoken or written language which may be noticed in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia, but does not include learning problems which are primarily the result of visual, hearing, or motor handicaps; of mental retardation; of emotional disturbance; or of environmental, cultural, or economic disadvantage. IDAPA 08.02.E.12,1.j.

MINIMUM ASSESSMENT PROCEDURES	MINIMUM ELIGIBILITY CRITERIA	REQUIREMENTS FOR RE-EVALUATION
1) Assessments of educational strengths/weaknesses and intellectual ability shall be made, as well as any other assessments relevant to problems of individual children. IDAPA 08.02.E.12,4.a.i	1) Achievement not commensurate with age and ability levels and severe discrepancy between achievement and intellectual ability in one or more of these areas: oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematics calculation or mathematics reasoning. A child may not be diagnosed as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of: a visual, hearing or motor handicap; mental retardation; emotional disturbance; or environmental, cultural or economic disadvantage. IDAPA 08.02.E.12,5.a.i	1) The annual review may take place at any time during the school year, but shall occur within at least one year of the previous annual review or initial educational placement. This review is to determine if additional comprehensive evaluation is necessary, continuing eligibility of the student, and the need for a revised IEP: Total Service Plan and Instructional/Implementation Plan. IDAPA 08.02.E.12,6 Federal Law, P.L. 94-142, requires comprehensive re-evaluation every three years or more frequently if necessary. P.L. 94-142 300 .-534(b)

MINIMUM ESSMENT PROCEDURES	MINIMUM ELIGIBILITY ITERIA	REQUIREMENTS FOR RE-EVALUATIO
2) Observations of the child's academic performance in a regular classroom shall be made by at least one member of the Child Study Team other than the child's teacher. In the case of a child of less than school age or one who is not in school, the observation shall be made in an environment appropriate for a child of that age. IDAPA 08.02.E.12,4.a.ii	2. Federal Rules and Regulations for P.L. 94-142, (1212.543) require that the Child Study Team shall prepare a written report for a child suspected as having a learning disability which relates assessment findings to eligiblity. The report must answer all of the following questions: a) Does the child have a specific learning disability? b) What assessment procedures were utilized to support the answer to (a) above? (c) Was relevant behavior noted during the observation of the child? (list specifically) (d) How does the observed behavior relate to the student's academic functioning? (e) Are there educationally-relevant medical findings? If so, specify. (f) Is there a severe discrepancy between achievement and ability?* In which areas? Is specific education and related services required for correction? Can the student's educational needs be met in the regular classroom? If not, why? (g) What effects on learning are from environmental disadvantage? What effects on learning are from cultural disadvantage? What effects on learning are from economic disadvantage?	Federal Register, Supplemental Regulations for LD, December 29, 1977.

* Determination of severe discrepancy may be established through use of a formula, or other district-determined procedures.

INIMUM ASSESSMENT PROCEDURES	MINIMUM ELIGIBILITY CRITERIA	REQUIREMENTS FOR RE-EVALUATION
	School districts may complete a separate report with information included in A-G above, or a simplified checklist may be utilized. Either procedure must include signatures of Child Study Team members to assure agreement with the findings. Any team member may, however, file a minority report if he/she does not agree with the conclusions.	
Composition of the Child Study Team when considering specific learning disability children must include at least one person qualified to conduct individual diagnostic examinations such as a school psychologist, communication disorders specialist, or special education teacher. P.L. 94-142,300 ..540(b), Supplemental Regulations for LD, Federal Register, December 29, 1977.		

COMMENTARY: EXPANDED DEFINITIONS OF MENTAL RETARDATION BY LEVELS OF SEVERITY

MENTALLY RETARDED: Significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period which adversely affects a child's educational performance.

1) **MILD**: Acquires basic academic and practical skills with specially designed instruction. Usually achieves adequate social and vocational skills sufficient for self-maintenance, but may require social and economic support at lower levels of adaptive ability. I.Q. ranges from 52 to 79 (mean 100, S.D. of 16) or 55-79 (mean of 100, S.D. of 15).

2) **MODERATE** Typically responds well to special instruction in basic communication, physical education, self-help, functional consumer and academic skills, and vocational training for "sheltered" employment. Has difficulty solving everyday problems and usually requires assistance in socialization, recreation, and self-maintenance. I.Q. ranges from 36 to 51 (mean of 100, S.D. of 16) or 40-54 (mean of 100, S.D. of 15).

3) **SEVERE**: Profits from systematic instruction to learn behaviors associated with daily self-help routines. Typically requires special motor development and communications training and usually develops better receptive than expressive ability. Has difficulty solving everyday problems, effective use of leisure time, and frequently has physical and health difficulties. Vocational training for specially-designed work settings holds promise. I.Q. ranges from 20-35 (mean 100, S.D. 16) or 25-39 (mean 100, S.D. 15).

4) **PROFOUND**: Demonstrates obvious delays in all areas of development requiring early sensorimotor training. Responds to systematic instruction in motor, communication, basic self-help, and social responsiveness barring specific disabilities or health problems incompatible with targeted behaviors to be learned. Skilled nursing care and aids/prostheses for mobility, movement or alignment are often required as a part of necessary maintenance. I.Q. estimates 19 and below (mean 100, S.D. 16) or 24 and below (mean 100, S.D. 15).

EXCEPTIONALITY: Mentally Retarded

DEFINITION: Significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period which adversely affects a child's educational performance. (See delineation of levels of severity on following page) IDAPA 08.02.E.12,1.1

MINIMUM ASSESSMENT PROCEDURES	MINIMUM ELIGIBILITY CRITERIA	REQUIREMENTS FOR RE-EVALUATION
1) An assessment of adaptive behavior can include but not be limited to: a) gross and fine motor skills b) communication c) self-help skills d) socialization e) academic skills f) daily living skills g) vocational skills h) leisure skills IDAPA 08.02.E.12,4.b.i Other assessments, related to individual child's problems, as determined by the Child Study Team. IDAPA 08.02.E.12,4.b.ii	1) Professional judgment of the child study team shall indicate special education placement is necessary, based on results of the child's assessment especially with respect to maturation, learning, social adjustment, and other assessment outcomes. IDAPA 08.02.E.12, 5.b.i	1) The annual review may take place at any time during the school year, but shall occur within at least one year of the previous annual review or initial educational placement. This requirement is to determine if additional comprehensive re-evaluation is necessary, continuing eligibility of the student, and the need for a revised IEP: Total Service Plan and Instructional/Implementation Plan. IDAPA 08.02.E.12,6. Federal Law, P.L. 94-142, requires comprehensive re-evaluation every three years or more frequently if necessary. P.L. 94-142 300 .534(b)
2) An intelligence measure (individually administered by a qualified psychologist or psychological examiner) is required. IDAPA 08.02.E.12,4.b.iii	2) Results of the individually administered intelligence measure must indicate consistent sub-average general intellectual functioning with an overall I.Q. of less than 80. IDAPA 08.02.E.12,5.b.ii	
	3) The Child Study Team must assure that the child's educational needs cannot be met by full-time regular classroom replacement. IDAPA 08.02.E.12,5.b.iii	

MINIMUM ASSESSMENT PROCEDURES	MINIMUM ELIGIBILITY CRITERIA	REQUIREMENTS FOR RE-EVALUATION
2) Screening for intellectual and sensory deficits and for social maladjustment. IDAPA 08.02.E.12,4.c.ii	2) The Child Study Team must document that the child's emotional impairment is not due primarily to mental retardation, a specific learning disability, or social maladjustment. IDAPA 08.02.E.12,5.c.ii	
3) Assessment should be done by a Child Study Team to include a certified school psychologist or a licensed psychologist. IDAPA 08.02.E.12,4.c.iii		

EXCEPTIONALITY: Emotionally Impaired

DEFINITION: A condition in which the following characteristics are exhibited over a long period of time and to a marked degree which adversely affects educational performance: 1) an inability to learn which cannot be explained by intellectual, sensory, or health factors; 2) an inability to build or maintain satisfactory interpersonal relationships with peers and adults; or 3) inappropriate types of behavior or feelings under normal circumstances. This term does not include children who are socially maladjusted, unless it is determined they are emotionally impaired.
IDAPA 08.02.E.12,1.e

MINIMUM ASSESSMENT PROCEDURES	MINIMUM ELIGIBILITY CRITERIA	REQUIREMENTS FOR RE-EVALUATION
1) All of the following are required: a) Collection of specific behavioral data over a period of time by the person making the referral Child's behavior by someone other than the person making the referral c) Description of difficulties in interpersonal relationships with peers and adults d) Description of previously utilized methods to assist the child in the regular education program e) Assessments of educational strengths/weaknesses f) Development of a social history IDAPA 08.02.E.12,4.c.i	1) Professional judgment of the Child Study Team shall indicate special education and/or related services are necessary, based on outcomes of assessments (a)-(f). Documentation must be provided to indicate that the student's emotional needs cannot be met without such proposed placement/services. IDAPA 08.02.E.12,5.c.i	1) The annual review may take place at any time during the school year, but shall occur within at least one year of the previous annual review or initial educational placement. This review is to determine if additional comprehensive evaluation is necessary, continuing eligibility of the student, and the need for a revised IEP: Total Service Plan and Instructional/Implementation Plan. IDAPA 08.02.E.12,6 Federal Law, P.L. 94-142, requires comprehensive re-evaluation every three years or more frequently if necessary. P.L. 94-142 300 .534(b)

EXCEPTIONALITY: Gifted/Talented

DEFINITION: Refers to those students who are identified as possessing demonstrated or potential abilities that give evidence of high performing capabilities in intellectual, creative, specific academic and/or leadership areas, or ability in the performing or visual arts. IDAPA 08.02.E.12,1.f

MINIMUM ASSESSMENT PROCEDURES	MINIMUM ELIGIBILITY CRITERIA	REQUIREMENTS FOR RE-EVALUATION
1) Three of the five assessments are required: a) Standardized achievement tests b) Individually administered intelligence measure c) Creativity measures or specific interest aptitude measures d) Observations of parents and school personnel e) Assessment of children's gifts/talents by experts in specific areas who are recognized as such by the Child Study Team. IDAPA 08.02.E.12,4.d.i	1) Three criteria must be met to qualify for special education: a) Scores at or above 98th percentile in majority of achievement areas examined b) Scores at or above 98th percentile on an individually-administered intelligence measure c) Results confirming demonstrated creativity or specific aptitude d) Documented recommendations based on observations e) Documented opinions from recognized experts IDAPA 08.02.E.5.d.i	1) The annual review may take place at any time during the school year, but shall occur within at least one year of the previous annual review or initial educational placement. This review is to determine if additional comprehensive evaluation is necessary, continuing eligibility of the student, and the need for a revised IEP: Total Service Plan and Instructional/Implementation Plan. IDAPA 08.02.E.12,6
	2) Documentation must be provided to indicate the student's total learning needs cannot be met solely through regular classroom instruction. IDAPA 08.02.E.12,5.d.ii	

EXCEPTIONALITY: Communication Disorders: Speech Impaired

DEFINITION: A communication disorder involving stuttering, impaired articulation, or a voice impairment which adversely affects a child's educational performance.
IDAPA 08.02.E.12,1.b.i

MINIMUM ASSESSMENT PROCEDURES	MINIMUM ELIGIBILITY CRITERIA	REQUIREMENTS FOR RE-EVALUATION
1) Assessment procedures can include but not be limited to: a) Assessment of structure and functioning of speech mechanisms b) Assessment of articulation proficiency c) Assessment of voice quality d) Assessment of speech fluency e) Assessment of receptive and expressive language skills f) Referral to and assessment by medical, psychological, educational and other specialists, as determined by the Child Study Team IDAPA 08.02.E.12,4.e.i	1) Professional judgment of the Child Study Team shall indicate special education and/or related services are necessary, based on assessed needs. Documentation must be provided to indicate that the student's communication disorder needs cannot be met without special education and/or related services. IDAPA 08.02.E.12.5.e.i	1) The annual review may take place at any time during the school year, but shall occur within at least one year of the previous annual review or initial educational placement. This requirement is to determine if additional comprehensive evaluation is necessary continuing eligibility of the student, and the need for a revised IEP: Total Service Plan and Instructional/Implementation Plan. IDAPA 08.02.E.12,6.
2) Assessment procedures should be completed by a Child Study Team to include a communication disorders specialist. IDAPA 08.02.E.12,4.e.ii		Federal Law, P.L. 94-142, requires comprehensive re-evaluation every three years or more frequently if necessary. P.L. 94-142 300 .534(b)

EXCEPTIONALITY: Communication Disorders: Language Impaired

DEFINITION: Expressive and/or receptive language skills, either oral and/or graphic, which deviate from accepted norms in terms of grammatical, morphological and semantic performance and which adversely affects a child's educational performance.
IDAPA 08.02.E.12,1.b.ii

MINIMUM ASSESSMENT PROCEDURES	MINIMUM ELIGIBILITY CRITERIA	REQUIREMENTS FOR RE-EVALUATION
1) Assessment of receptive language skills IDAPA 08.02.E.12,4.f.i	1) Professional judgment of the Child Study Team shall indicate special education and/or related services are necessary, based on assessed needs. Documentation must be provided to indicate that the student's communication disorder needs cannot be met without special education and/or related services. IDAPA 08.02.E.12,5.e.i.	1) The annual review may take place at any time during the school year, but shall occur within at least one year of the previous annual review of the initial educational placement. This review is to determine if additional comprehensive evaluation is necessary, continuing eligibility of the student, and the need for a revised IEP: Total Service Plan and Instructional/Implementation Plan. IDAPA 08.02.E.12,6
2) Assessment of expressive language skills to include measured oral and/or graphic grammatical, morphological and semantic performance. IDAPA 08.02.E.12,4.f.ii		2) Federal Law, P.L. 94-142, requires comprehensive re-evaluation every three years or more frequently if necessary. P.L. 94-142 300 .534(b)

EXCEPTIONALITY: Communication Disorders: Hearing Impaired

DEFINITION: Hearing impairments include 1) hard of hearing, and 2) deaf. "Hard of hearing" means those students whose hearing impairment, whether permanent or fluctuating, adversely affects educational performance, but which is not included under the definition of deaf.
IDAPA 08.02.E.12,1.g.i

"Deaf" means those students whose hearing impairment is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.
IDAPA 08.02.E.12,1.g.ii

MINIMUM ASSESSMENT PROCEDURES	MINIMUM ELIGIBILITY CRITERIA	REQUIREMENTS FOR RE-EVALUATION
1) An assessment of educational strengths and weaknesses based on comprehensive evaluation to include an assessment of adaptive behavior. The Child Study Team shall involve an itinerant hearing specialist, if possible, in making this assessment. IDAPA 08.02.E.12,4.g.i	1) Documentation must be provided to indicate that the child's hearing impairment will adversely affect educational performance, based on assessment outcomes and that the child's educational needs cannot be met without special education and/or related services. IDAPA 08.02.E.12,5.f.i	1) The annual review may take place at any time during the school year, but shall occur within at least one year of the previous annual review or initial educational placement. This review is to determine if additional comprehensive evaluation is necessary, continuing eligibility of the student, and the need for a revised IEP: Total Service Plan and Instructional/Implementation Plan. IDAPA 08.02.E.12,6
2) Evaluation by a qualified otologist, audiologist or other hearing specialist, or review of such evaluation on file. IDAPA 08.02.E.12.4.g.ii	2) A statement by a qualified otologist, audiologist or other hearing specialist must certify that the student has hearing impairment. This statement shall be on file in district central records for the child and includes a diagnosis and recommendations. IDAPA 08.02.E.12,5.f.ii	2) Federal Law, P.L. 94-142, requires comprehensive re-evaluation every three years or more frequently if necessary. P.L. 94-142 300 .534(b)
) Children who are both deaf and blind should be assessed by the above procedures, as well as those established for visually handicapped; blind. IDAPA 08.02.E.12,4.g.iii		

EXCEPTIONALITY: Physically Handicapped (Orthopedically Impaired)

DEFINITION: A severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomalies (clubfoot, absence of some member, etc.), impairments caused by disease (polio, bone tuberculosis, etc.) and impairments from other causes (cerebral palsy, amputations, fractures or burns which cause contractures, etc.). IDAPA 08.02.E.12,1.0.

MINIMUM ASSESSMENT PROCEDURES	MINIMUM ELIGIBILITY CRITERIA	REQUIREMENTS FOR RE-EVALUATION
1) Examination by a licensed physician or review of such examination on file including diagnosis and recommendations. IDAPA 08.02.E.12,4.h.i.	1) A medical statement by a licensed physician must certify that the student is physically handicapped. This statement shall be on file on the district's central record for the child and must include di- IDAPA 08.02.E.12,5.g.i	1) The annual review may take place at any time during the school year, but shall occur within at least one year of the previous annual review or initial educational placement. This review is to determine if additional comprehensive evaluation is necessary, continuing eligibility of the student, and the need for a revised IEP: Total Service Plan and Instructional/Implementation Plan. IDAPA 08.02.E.12,6.
2) Assessment of the student's specific educational strengths and weaknesses, motivation, and adaptive behavior with special reference to the type of physical handicap involved. IDAPA 08.02.E.12,4.h.ii	2) Professional judgment of the Child Study Team shall indicate that special education placement and/or related services are necessary, based on assessment outcomes. Documentation must be provided to indicate that the student's needs cannot be met solely through regular classroom placement because of the nature of the orthopedic impairment. IDAPA 08.02.E.12,5.g.ii	2) Federal Law, P.L. 94-142, requires comprehensive re-evaluation every three years or more frequently if necessary. P.L. 94-142 300 .534(b)

EXCEPTIONALITY: Chronically Ill (Other Health Impaired)

DEFINITION: Means those students with limited strength, vitality, or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes which adverseely affects a child's educational performance.
IDAPA 08.02.E.12,1.a.

MINIMUM ASSESSMENT PROCEDURES	MINIMUM ELIGIBILITY CRITERIA	REQUIREMENTS FOR RE-EVALUATION
1) Examination by a licensed physician or review of such examination on file. IDAPA 08.02.E.12,4.i.i	1) A medical statement by a licensed physician must certify that the student is chronically ill. This statement shall be on file in the district central record for the child and should include diagnosis and recommendations. IDAPA 08.02.E.12,5.h.i	1) The annual review may take place at any time during the school year, but shall occur within at least one year of the previous annual review or initial educational placement. This review is to determine if additional comprehensive evaluation is necessary, continuing eligibility of the student, and the need for a revised IEP: Total Service Plan and Instructional/Implementation Plan IDAPA 08.02.E.12,6
2) Assessment of student's specific educational strengths and weaknesses. IDAPA 08.02.E.12,4.i.ii	2) Professional judgment of the Child Study Team shall indicate special education placement and/or related services are necessary. Documentation must be provided to indicate that the student cannot be maintained with regular classroom instruction on a full-time basis. IDAPA 08.02.E.12,5.h.ii	2) Federal Law, P.L. 94-142, requires comprehensive re-evaluation every three years or more frequently if necessary. P.L. 94-142 300 .534(b)

EXCEPTIONALITY: Visually Impaired

DEFINITION: Visual impairment which, even with correction, adversely affects a child's educational performance. The term includes both partially sighted and blind. "Partially sighted" refers to the ability to use vision as one channel of learning if educational materials are adapted. "Blind" refers to the prohibition of vision as a channel of learning, regardless of adaptation of materials.
IDAPA 08.02.E.12,1.a

MINIMUM ASSESSMENT PROCEDURES	MINIMUM ELIGIBILITY CRITERIA	REQUIREMENTS FOR RE-EVALUATION
1) Examination by a licensed optometrist or opthamologist or review of such examinations on file to include diagnosis and recommendations. IDAPA 08.02.E.12,4.j.i	1) A medical statement by a licensed optometrist or opthalmologist must certify that the child is visually handicapped (either partially sighted or blind). This statement shall be on file in the district central record for the child and must include diagnosis and recommendations. To be eligible for special education and/or related services, one of the following criteria must be reflected in the optometrist or opthamologist's report: a) Visual acuity: between 20/70 and 20/200 in the better eye, after correction for partially sighted and less than 20/200 for blind. b) Visual field limitations: Scope of vision less than 20 deep. c) Progressive eye disease: i.e., glaucoma, that will eventually result in loss of usable vision. d) Physical condition: i.e., diabetes, which may result in gradual vision loss. IDAPA 08.02.E.12,5.i	2) The annual review may take place at any time during the school year, but shall occur within at least one year of the previous annual review or initial educational placement. This review is to determine if additional comprehensive evaluation is necessary, continuing eligibility of the student, and the need for a revised IEP: Total Service Plan and Instructional/Implementation Plan. IDAPA 08.02.E.12,6

MINIMUM ASSESSMENT PROCEDURES	MINIMUM ELIGIBILITY CRITERIA	REQUIREMENTS FOR RE-EVALUATION
2) An assessment of educational strengths and weaknesses based on comprehensive evaluation to include an assessment of adaptive behavior. The Child Study Team should involve an itinerant vision specialist, if possible, in making this assessment. IDAPA 08.02.E.12,4.j.ii	2) Documentation must be provided to indicate that the child's visual impairment will adversely affect education based on assessment outcomes and that the child's educational needs cannot be met without special education and/or related services. IDAPA 08.02.E.12,5.i.ii	2) Federal Law, P.L. 94-142, requires comprehensive re-evaluation every three years or more frequently if necessary. P.L. 94-142 300.534(b)
3) Children who are both deaf and blind should be assessed by the above procedures, as well as those established for communication disorders: Hearing impaired. Also, see definition of "deaf-blind." IDAPA 08.02.E.12,4.j.iii		

11. Illinois

ILLINOIS STATE BOARD OF EDUCATION
100 NORTH FIRST STREET
SPRINGFIELD, ILLINOIS 62777

17

Rules and Regulations to Govern the Administration and Operation of Special Education

AUG. 26TH 1818

Effective:
February 1, 1979

Illinois State Board of Education
Department of Specialized
Educational Services

100 North First Street
Springfield, Illinois 62777

Donald F. Muirheid, Chairman
State Board of Education

Joseph M. Cronin
State Superintendent of Educat

600

TABLE OF CONTENTS

Article I Definition of Terms 2

Article II Responsibility for Special Education . . . 7

Article III The Establishment and Administration of Special Education 9

Article IV Special Education Instructional and Resource Program 13

Article V Special Education Related Services 17

Article VI Prevocational Programs 20

Article VII Home and Hospital Programs 21

Article VIII State-Operated or Private Programs 23

Article IX Identification, Evaluation, and Placement of Exceptional Children 26

Article X Impartial Due Process Hearing 47

Article XI Surrogate Parents 58

Article XII Special Education Personnel 60

Article XIII Special Transportation 62

Article XIV Evaluation of Special Education 63

Article XV Special Education Services for Children in Residential Care Facilities 64

cooperation with special education administrative and supervisory personnel, facilitate the functioning of special education instructional and resource programs and related services as an integral part of the school program.

3.10
The specific responsibilities of special education administrative and supervisory personnel and local district administrative personnel in relation to special education instructional and resource programs and related services shall be delineated in writing and made known to all persons involved.

3.11
Special education programs and services which would not comply with these Rules and Regulations to Govern the Administration and Operation of Special Education shall require written approval from the Illinois Office of Education prior to the implementation of the program or service. Factors to be taken into consideration shall include but are not limited to: student exceptional characteristics, class size, staff qualifications, physical plant and evaluation plan.

SPECIAL EDUCATION INSTRUCTIONAL PROGRAMS AND RESOURCE PROGRAMS

ARTICLE IV

4.01
Special education instructional programs shall be designated in direct response to the educational needs of exceptional children.

1. Specific types of instructional programs may be formulated according to common exceptional characteristics of the students, or, for students with differing exceptional characteristics:

    a. Instructional programs formulated according to common exceptional characteristics of the students shall be in accord with those characteristics described in rule 9.16
    b. Instructional programs which group students with differing exceptional characteristics shall be formulated only under when the following circumstances:

        (1) The students are grouped in relation to a common educational need, or

(2) The program can be completely individualized, and

(3) The teacher is qualified to plan and provide an appropriate educational program for each student in the group.

2. Student-based objectives shall be developed for each type of special education instructional program.

3. The objectives of the program shall have direct and observable relationship to the objectives which have been established for each child who is placed in that program.

4.02

A curriculum of educational experiences adaptable to individual needs, interests, or abilities of each child shall be developed for each type of instructional program.

1. This curriculum shall be:

   a. Sequential
   b. Developmental
   c. Goal-directed
   d. Clearly stated and available to the public
   e. Subject to continuing evaluation and revision.

4.03

In the formation of special education instructional programs, consideration shall be given to the chronological age, mental age, physical size, motor ability, level of achievement, and social and emotional adjustment of the students.

1. Special education age groupings shall be early childhood (generally ages 3-5), primary (generally ages 6-8), intermediate (generally ages 9-11), junior high (generally ages 12-14), and secondary (generally ages 15-21).

2. The age range of students within a special program or in any individual instructional grouping shall not exceed four (4) years.

4.04

The principle determinants of the number of students served in each special education instructional program shall be the age of the students, the nature and severity of their exceptional characteristics, and the degree of intervention necessary. All exceptions to the following program size limitations shall require the written approval of the Illinois Office of Education prior to the implementation of the program.

1. Early childhood instructional programs shall have a maximum ratio of one (1) qualified teacher to five (5) students in attendance at any one given time; total enrollment shall be limited according to the needs of the students for individualized programming.

2. Instructional programs which primarily serve children whose exceptional characteristics are either profound in degree or multiple in nature shall have a maximum enrollment of five (5) students.

3. Instructional programs which primarily serve children whose principle exceptional characteristics are severe visual, auditory, physical, speech or language impairments, or behavioral disorders shall have a maximum enrollment of eight (8) students.

4. Instructional programs which primarily serve children whose principle exceptional characteristics are learning disabilities or severe mental impairment; programs which are primarily diagnostic or developmental or programs which serve children with differing exceptional characteristics shall have a maximum enrollment of ten (10) students.

5. Instructional programs which primarily serve children whose principle exceptional characteristics are moderate visual or auditory impairment shall have a maximum enrollment of twelve (12) students.

6. Instructional programs which primarily serve children whose principle exceptional characteristics are educational handicaps or mild/moderate mental impairment shall have a maximum enrollment of twelve (12) students at the primary level and fifteen (15) students at the intermediate, junior high, and secondary levels.

7. The local school district may increase the enrollment in a special education instructional program by a maximum of two (2) additional students to meet unique circumstances which occur during the school year. Such additions may be made only when the educational needs of all students who would be enrolled in the expanded program can be adequately and appropriately met, OR, the school district may increase the enrollment in a special education instructional program by a maximum of five (5) additional students when the program is provided with a full-time, noncertified assistant.

8. When the district wishes to exceed the maximum enrollments indicated above, approval shall be requested in writing to the Illinois Office of Education, Department of Specialized Educational Services. The request shall include a rationale for the proposed enrollment variation and a plan for its evaluation. If the request for an enrollment deviation is denied, the district may appeal the decision to the State Superintendent of Education.

4.05
Integration into a standard program of a student enrolled in a special education instructional program shall be determined in relation to the individual objectives established for the student. When a student is integrated into a standard educational program from a special program, the special teacher of that student shall be responsible for intensive coordination with the standard program teacher.

4.06
Special education resource programs shall be designed in direct response to the educational needs of exceptional children.

1. Resource programs shall be provided to exceptional children whose educational needs can be adequately met through part-time instruction by a special education teacher. Part-time instruction shall be considered as less then 50% of the school day. Such instruction may be delivered in resource room classes or on an itinerant basis.

    a. Such programs shall include consultation with the standard program teacher and provision of special materials and equipment.

    b. Enrollment in such a program shall be limited to the number of students who can effectively and appropriately receive assistance, ordinarily not to exceed a total of twenty (20). The teacher of each resource program shall actively participate in determining the appropriate enrollment.

    c. Resource programs which group children with differing exceptional characteristics shall be formulated under the following circumstances:

        (1) The students are grouped in relation to a common educational need, or

(2) The program can be completely individualized, and
(3) The teacher is qualified to plan and provide an appropriate educational program for each student in the group.

SPECIAL EDUCATION RELATED SERVICES

ARTICLE V

5.01

Related services which shall be provided by the school district are: those activities supplemental to the standard educational program, special education instructional programs, or resource programs which serve to facilitate the child's development. The activities include evaluation, therapeutic or consultation services.

The related services to be provided are:

1. Speech and language services for all students with speech and/or language impairments which interfere with their educational or social development.

    a. Speech and language services may be made available as:

        (1) A special education related service
        (2) A special education resource program
        (3) A special education instructional program

    Speech and langauge services shall include, but not be limited to:

        (1) Screening and diagnosis of children with suspected language impairment
        (2) Planning and developing the clinical program
        (3) Therapy for children with impairments of oral language comprehension, production, or usage, including disorders of fluency, phonation, resonance, articulation, and oral language formation
        (4) Parent counseling
        (5) Referrals and follow-up
        (6) Consultative and resource services to other professional personnel.

    c. The number of children seen by a speech and language clinician shall be based on the nature of the speech and language needs of the individual children. At no time shall the case load exceed eighty (80) students.

2. School psychological services to and on behalf of students who require psychological evaluation and assistance in their educational or behavioral adjustment.

   a. School psychological services shall include, but not be limited to:

      (1) Screening of school enrollments to identify children who should be referred for individual study
      (2) Individual psychological examination and interpretation of those findings and recommendations which will lead to meaningful educational experiences for the child
      (3) Counseling and performing psychological remedial measures as appropriate to the needs of students, individually or in groups
      (4) Participating in parent education and the development of parent understanding
      (5) Consulting with teachers and other school personnel in relation to behavior management and learning problems
      (6) Consulting in program development.

   b. School psychological services shall be available, in an appropriate quantity, to all children for whom the district is responsible.
   c. School psychological services shall be utilized to assist in the process of developing an educational climate conducive to the optimum development of all children. Emphasis shall be placed on prevention as well as rehabilitation, or indirect as well as direct services.

3. School social work services to and on behalf of students whose educational or behavioral development is restricted due to social or emotional considerations, family circumstances, or problems of the environment.

   a. School social work services shall include, but no be limited to:

      (1) Services to school personnel on behalf of children
      The school social worker shall provide consultation and inservice training experiences to school personnel.

(2) Identification of children in need of services The school social worker shall be responsible for providing the social developmental study in a case study evaluation and for participating in the identification of those children who require social work intervention.

(3) Direct services to children

(4) Service to parents on behalf of children The school social worker shall be responsible for serving as a liaison between the home and the school and for providing parental education and counseling as appropriate in relation to the child's problem.

(5) Utilization of community resources The school social worker shall facilitate the effective utilization of existing community resources to meet the needs of school children and shall assist in developing services which are needed but unavailable.

b. School social work services shall be available, in an appropriate quantity, to all children for whom the district is responsible.

c. School social work services shall be utilized to assist in the process of developing an educational climate conducive to the optimum development of all children. Emphasis shall be placed on prevention as well as rehabilitation, on indirect as well as direct services.

4. Special reader services, braillists, typists, and interpreters shall be provided as required by the child's IEP.

5. Therapy services shall be provided for exceptional children whose educationally related, therapeutic needs have been determined in a multidisciplinary conference.

a. Physical and/or occupational therapy shall be provided for exceptional students whose physical impairments require appropriate therapeutic attention if the students are to receive full benefit from the instructional program provided them. Such therapy shall be provided to individual children in accord with the recommendation and prescription of a licensed medical examiner.

b. Other therapeutic services shall be provided as required to facilitate the education of exceptional children.

6. Consultant services shall be provided as required by the IEP, developed in accordance with Article 9.18a.

   a. Psychiatric consultation or other professional consultation which provides a therapeutic component shall be provided to those special education instructional programs or resource programs which serve children who exhibit affective or behavioral disorders.

   b. Other consultant services shall be provided as required to facilitate the education of exceptional children and as approved by the Illinois Office of Education.

5.02
Other related services including school health services, counseling services and parent counseling or training shall be provided by the local district when the multidisciplinary conference determines that such services would facilitate the educational development of exceptional children.

5.03
Student-based objectives shall be determined for each special education related service.

5.04
Specific objectives shall be established for each child who receives special education related services.

5.05
Related services time spent with or on behalf of the student shall be sufficient to be educationally or therapeutically adequate, as determined by the evaluation of the child's needs.

PREVOCATIONAL PROGRAM

RTICLE VI

.01
revocational programs consisting of organized instructional xperiences, training experiences, and resource programs hall be provided to exceptional children in accordance with heir needs and as determined by the IEP.

.02
rovision of a prevocational program to individual students hall be determined at a multidisciplinary conference.

1. A summary of the child's individual problems.

2. A description of the program required by the child.

3. An explanation of why the child's needs cannot be met by the public school.

4. The description of the special education program offered by the private facility.

5. The request for placement of the child in a private facility as approved by the Illinois Office of Education.

6. Copy of the agreement with the facility.

7. Conference reports and periodic progress reports submitted by the private facility.

8. An annual reassessment of the need for continued private placement.

8.09
When a state-operated or private day program is utilized, the local district shall provide transportation for the children in this program. Other services may be provided as mutually agreed between the district and the state-operated or private facility.

8.10
The local school district shall be expected to follow the progress of those children placed in a state-operated or private program. Public school personnel shall communicate at least annually with private or state facility personnel to evaluate the child's progress and, as appropriate, facilitate the child's return to the public school program.

8.11
Transportation to a residential school shall be provided at least once, round trip, each school year.

IDENTIFICATION, EVALUATION, AND PLACEMENT OF EXCEPTIONAL CHILDREN

ARTICLE IX

9.01
Each local district shall develop and implement procedures for creating public awareness of special education programs

and for advising the public of the rights of exceptional children.

1. All such procedures shall assure that information regarding special education programs and the rights of exceptional children is made available in each of the major languages represented in the district and in phrases which will be understandable to parents, regardless of ethnic or cultural background, or hearing or visual abilities.

2. Procedures developed by the district to create public awareness of special education programs and for advising the public of the rights of exceptional children shall include, but need not be limited to:

   a. Annual notification to all parents in the district regarding the special education programs and services available in or through that district and of their rights to receive, upon request, a copy of these rules and regulation.

   b. An annual dissemination of information to the community served by the school district regarding the special education program and services available in or through the district and the rights of exceptional children.

3. Documentation, including examples as appropriate, of the district's efforts to create public awareness of special education programs and inform parents of the rights of exceptional children shall be maintained in the district files.

9.02
Each local school district shall be responsible for actively seeking out and identifying all exceptional children in the district who are between the ages of 3 and 21. Procedures developed to fulfill this responsibility shall include but not be limited to:

1. An annual screening of children between the ages of 3 and 5, to identify those who may need special education.

2. Hearing and vision screening at regular intervals during the child's school career (see Illinois Revised Statutes, Chapter 23, Paragraphs 2331 through 2337, and Chapter 122, Section 27-8).

3. Speech and language screening of each child upon initial enrollment in a public school district in Illinois.

4. Annual screening by teachers and other professional personnel, for referral of those children who exhibit problems which interfere with their educational progress and/or their adjustment to the educational setting.

Procedures may include coordination with local and state service agencies and existing parent groups.

9.03

When a child is identified through the screening process, or exhibits problems which interfere with the child's educational progress and/or adjustment to the educational setting, or when there is reason to believe that a child may require special education services, the child shall be referred for a case study evaluation.

1. Each local school district shall develop, and make known to all concerned persons, procedures by which a case study evaluation of a child may be requested. These procedures shall:

    a. Designate the steps to be taken in making a referral

    b. Designate the person to whom a referral shall be made

    c. Indicate the information which should be provided.

2. Referrals may be made by school district personnel, the parents of the child, community service agencies, persons having primary care and custody of the child, other professional persons having knowledge of the child's problems, the child or the Illinois Office of Education.

3. The local school district shall be responsible for determining the appropriateness of the referral, deciding what further action should be taken, and initiating the necessary procedures.

    a. To determine whether the referred child requires a formal case study evaluation, the local school district may conduct preliminary evaluative procedures such as observation of the child, assessment for instructional purposes, consultation with the teacher or the referring agent if it is someone other than a teacher, or a conference with the child.

b. When the referral has been made by a professional staff member of the local school district, by the child's parents or by the child, the district shall be responsible for informing the person making the referral regarding its decision to conduct or not to conduct a case study evaluation. If the district decides not to conduct a case study evaluation of a child for whom such an evaluation has been requested, the information provided to the referring party shall contain, subject to the Illinois School Student Records Act and the Rules and Regulations to Govern School Student Records, the reasons for that decision.

c. If the parents of the child, other persons having primary care and custody of the child or the child initiated a referral for a case study evaluation which the district refuses or fails to conduct, the parents, other persons having primary care and custody of the child, or the child may appeal this decision in an impartial due process hearing.

d. When the district decides not to conduct a case study evaluation, the parents shall be notified, in writing, of the following:

    (1) The date of the referral and the reasons the case study evaluation was requested
    (2) The reasons the district has decided not to conduct a case study evaluation.

9.04
Parents or guardians of an exceptional child must be notified in writing when the local school district proposes to initiate or change the identification, evaluation or educational placement of the child or the lack of a provision of a free appropriate public education to the child.

1. The notice shall be:

    a. Written in language understandable to the general public, and

    b. Provided in the native language of the parent or other mode of communication used by the parents, unless it is clearly not feasible to do so.

    c. If the native language or other mode of communication of the parent is not a written language, the local school district shall insure:

(1) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication,

(2) That the parent understands the content of the notice, and

(3) That there is written evidence on file that the requirements of these regulations have been met.

2. The notice shall contain:

   a. A full explanation of all of the procedural safeguards available to the parents, including the availability upon request of a list of free or low cost legal and other relevant services available locally to assist parents in initiating an impartial due process hearing;

   b. A description of the action proposed or refused by the local school district, an explanation of why that district proposes or refuses to take the action, and a description of any options that district considered and the reasons why those options were rejected;

   c. A description of each evaluation procedure, test, record, or report that district uses as a basis for the proposal or refusal; and

   d. A description of any other factors which are relevant to that district's proposal or refusal.

9.06
Parental consent shall be obtained before:

1. Conducting any case study evaluation or reevaluation of the child

2. Initial placement of an exceptional child in a program providing special education and related services.

9.07
If the parents object to a proposed case study evaluation by refusing to sign consent, and such objection is not resolved by a conference with the parents, the district may request an impartial due process hearing.

.08
efore a child is given a case study evaluation, the local chool district shall be responsible for determining the hild's language use pattern, mode of communication, and ultural background.

. Determination of the child's language use pattern and cultural background shall be made by determining the language(s) spoken in the child's home and the language(s) used most comfortably and frequently by the child.

. Determination of the child's mode of communication shall be made by assessing the extent to which the child uses expressive language and the use he or she makes of other modes of communication (e.g., gestures, signing, unstructured sounds) as a substitute for expressive language.

. The child's language use pattern, proficiency in English, mode of communication and cultural background shall be noted in the child's temporary student records.

09
ıe child shall be given a case study evaluation appropriate › the nature of the problems which caused the referral. The ıtensity of the evaluation procedures shall be determined by ıe complexity of the child's problems and the amount of ıformation necessary to understand those problems and ·velop the IEP in accordance with Articles 9.13, 9.14, 9.15 ıd 9.18a.

For the child who requires special education placement at home or in a hospital because of a temporary physical or health impairment, estimated to last six months or less, a homebound services case study evaluation shall be conducted, and an IEP developed. This evaluation shall include, but need not be limited to:

a. Evaluation of the physical or health impairment by a licensed medical physician, for diagnostic and evaluative purposes.

b. Estimation by the physician of the time the child will require homebound services.

c. A review of the child's current educational status and academic needs.

For the child whose problems seem to be limited to the area of speech or language, a speech and language case study evaluation shall be conducted and an IEP developed. This evaluation shall include, but need not be limited to:

a. A hearing screening completed at the time of the evaluation or within the previous six months.

b. A review of the child's medical history and current health status

c. A review of the child's academic history and current educational functioning

d. An assessment of the child's speech and language by a certified speech and language clinician.

e. An interview with the child.

The speech or language impaired child with additional handicapping conditions or educational deficits shall be referred for further evaluation.

For all other children, a comprehensive case study evaluation shall be conducted. This evaluation shall include, but need not be limited to:

a. An interview with the child

b. Consultation with the child's parents

c. A social developmental study, including an assessment of the child's adaptive behavior and cultural background

d. A report regarding the child's medical history and current health status

e. A vision and hearing screening, completed at the time of the evaluation or within the previous six months

f. A review of the child's academic history and current educational functioning

g. An educational evaluation of the child's learning processes and level of educational achievement

h. An assessment of the child's learning environment

i. Specialized evaluations specific to the nature of the child's problems.

(1) A psychological evaluation by a certified school psychologist, with the extent to be determined by the individual situation, shall be required:

(a) In order to place any child in a special education placement for children with mental impairment (See Illinois Revised Statutes, Chapter 122, Section 14-8.01)

(b) In order to place any child in a special education instructional program

(c) In order to place any child in a special education placement for children with behavior disorders

(d) In order to place any child where there are questions about his or her intellectual functioning and/or learning capacity.

A psychological evaluation for all other children shall be considered optional.

As appropriate, the psychologist may limit this evaluation to a review of the results of tests administered by other school district personnel and/or the results of externally administered evaluations, an analysis of the learning environment and learning processes, participation in the multidisciplinary conference and such other procedures as deemed necessary.

(2) An appropriate medical examination by a physician licensed to practice medicine in all of its branches shall be obtained, for diagnostic and evaluative purposes, for any child with either a suspected physical, health, vision or hearing impairment. This examination shall be conducted at no cost to the parent. Nothing in these regulations shall be construed to require any child to undergo any physical

examinations or medical treatment whose parents or guardian object thereto on the grounds that such examinations or treatment conflicts with his or her religious beliefs.

(3) A certified speech and language clinician shall administer a comprehensive evaluation for any child suspected of having a speech or language impairment.

(4) For all children other specialized evaluations appropriate to the nature of the child's problems shall be provided at no cost to the parents.

(a) When specialized evaluation procedures not usually provided by the local school district are required to provide a better understanding of the child's educational or educationally related problems, the local school district recommending such evaluation procedures shall be responsible for assisting the parents in locating and making use of appropriate local and/or state resources

(1) Consideration shall be given to resources of state agencies or third party payors.

(2) The child may not be prohibited from receiving a special education program or service because he or she is financially or otherwise unable to obtain specialized evaluation procedures.

5) An audiological evaluation appropriate to the needs of the child shall be provided by an audiologist when necessary.

6) If the parent disagrees with an evaluation obtained by the local school district, the district shall inform the parent of the opportunity to obtain an independent evaluation at public expense.

(a) In such cases, the local district may initiate an impartial due process hearing prior to such independent evaluation to

demonstrate that the district's eval
ation is appropriate.

(b) If the final decision is that the loc
district's evaluation is appropriate, th
parent shall have the right to an inde
pendent evaluation, but not at publi
expense.

9.10
If all requirements for the case study evaluation cannot be
fulfilled, due to lack of parental involvement, religious
onvictions of the family, or inability of the child t
articipate in an evaluative procedure, the district shal
ote the missing component(s) in the child's temporary stu
ent records and give the reason(s) it could not be provided

.11
ach case study evaluation shall be conducted so as to assur
hat it is linguistically, culturally, racially, and sexuall
ondiscriminatory.

. The language(s) used to evaluate a child shall be consistent with the child's language use pattern. (Se
Rule 9.08) If the language use pattern involves two o
more languages, the child shall be evaluated using each of the languages used by the child.

Psychological evaluation of a child shall be performed by a certified school psychologist who has demonstrated competencies in, and knowledge of, the language and culture of the child.

a. If documented efforts to locate and secure services from such a psychologist are unsuccessful, the district may employ a qualified psychologist who has demonstrated competencies in, and knowledge of, the language and culture of the child; this person may act as a consultant to the district's certified school psychologist performing the evaluation

b. The district having exhausted all other alternatives and not securing the services of either a certified school psychologist or a qualified psychologist who has demonstrated competencies in, and knowledge of, the language and culture of the child, the certified school psychologist regularly employed by the district shall conduct assessment procedures which do not depend upon language, or

utilize the services of an interpreter. Any sp
cial education placement resulting from such alte
native procedures shall be reviewed at regul
intervals until the child acquires a predominant
English language use pattern which will assure th
a psychological evaluation given by a certifi
school psychologist will not be discriminatory
until the need for special education is substar
tially verified.

3. Tests given to a child whose primary language is othe
than English shall be relevant, to the maximum exten
possible, to his or her culture.

4. If the child's receptive and/or expressive communicati
skills are impaired due to hearing and/or langu
deficits, the district shall utilize test instrumer
and procedures which do not stress spoken language
one of the following:

   a. Visual communication techniques in addition
   auditory techniques

   b. An interpreter to assist the evaluative person
   with language and testing.

5. Each local district shall insure that testing and eval
ation materials and procedures used for evaluation a
placement of exceptional children must be selected a
administered so as not to be racially or cultural
discriminatory.

6. Each local district shall insure that:

   a. Tests and other evaluation materials:

      (1) Are provided and administered in the child
      native language or other mode of communic
      tion, unless it is clearly not feasible to
      so;

      (2) Have been validated for the specific purpo
      for which they are used; and

      (3) Are administered by trained personnel (e.g
      certified school psychologists) in conforman
      with the instructions provided by their pr
      ducer.

b. Tests and other evaluation materials include th
tailored to assess specific areas of educatio
need and not merely those which are designed
provide a single general intelligence quotic

c. When tests are administered to a child with
paired sensory, motor or communication ski
tests shall be selected and administered to ens
that the results accurately reflect the chi
aptitude or achievement level rather than refle
ing the child's impaired sensory, motor or commu
cation skills except where those skills are
factors which the test(s) purports to measu

d. No single procedure is used as the sole criter
for determining an appropriate educational pro
for a child; and

e. The evaluation is made by a multidisciplinary t
including at least one teacher or other specia
with knowledge in the area of the suspected
ability. For the child suspected of having
cific learning disabilities, the following a
tional team members must also be included:
child's regular teacher; or if the child does
have a regular teacher, a regular classroom te
certified to teach a child of his or her age
for a child of less than school age, an indivi
qualified to teach a child of his or her

f. The child is assessed in all areas related to
suspected disability, including, where appropri
health, vision, hearing, social and emoti
status, general intelligence, academic performa
communicative status, and motor abilities.

9.12
In those instances in which a child has been evaluate
qualified professional personnel outside the school dist
that evaluation shall be considered and may be utilize
determining eligibility and need for special education pl
ment.

9.13
Upon completion of a homebound services case study evalu
(See Rule 9.09.1) the local district superintendent or
ignee shall determine the child's eligibility for homeb
special education placement and recommend an approp
placement. (See Article VII) A report regarding t

recommendations and all documentation upon which they we based shall be placed in the child's temporary stude records.

9.14
Upon completion of a speech and language case study eval ation (See Rule 9.09.2) the speech and language clinici shall review the findings, determine the child's eligibili and need for speech and language services, and convene conference for the purpose of developing the child's IEP a described in Article 9.18a of these regulations. Followin the IEP meeting, the speech and language clinician shall mak recommendations to the local district superintendent o designee for appropriate placement.

1. A speech and language impaired child exhibiting a ditional problems shall be referred for further eval ation.

2. A report of these findings and recommendations shall placed in the child's temporary student records.

9.15
Upon completion of a comprehensive case study evaluation (S Rule 9.09.3) one or more conferences shall be convened f the purpose of formulating program and service options. Th may or may not be the conference at which the IEP is c veloped. If not, an additional meeting is to be held, accordance with Article 9.18a.

1. Participants in the conferences shall include appr priate representatives of the child's local district residence; the special education director or design who is qualified to provide or supervise the provisi of special education; all those school personnel i volved in the evaluation of the child; the parent(s other persons having significant information regardi the child; and those persons who may become responsib for providing the special education program or servi to the child; the child, where appropriate, and oth individuals at the discretion of the parent or loc district.

2. The purposes of the above conference(s) shall be t

   a. Establish a composite understanding of the child learning characteristics, sensory and motor skill and behaviors.

b. Determine eligibility for special education programs and/or services.

c. Determine the child's unique educational needs an the extent to which these needs can be met by th standard program.

d. Determine the nature and degree of special education intervention which is needed, and recommen corresponding placement which is least restrictiv of interaction with nonhandicapped children.

3. If the above conference is also used for the development of the IEP, then the components of Article 9.18a of these regulations shall be followed.

9.16

Eligibility for special education programs and services shal be determined by the presence of one or more of the followin exceptional characteristics:

1. Visual impairment - The child's visual impairment i such that the child cannot develop his or her educational potential without special services and materials (For reference, see 14-1.02 of The School Code o Illinois)

2. Hearing impairment - The child's residual hearing is no sufficient to enable him or her to understand the spoke word and to develop language, thus causing extrem deprivation in learning and communication. Or the chil exhibits a hearing loss which prevents full awareness o environmental sounds and spoken language, limiting normal language acquisition and learning achievement. (For reference, see 14.1.02 of The School Code of Illinois)

. Physical and health impairment - The child exhibits a physical or health impairment, either temporary or permanent, which interferes with his or her learning and/or which requires adaptation of the physical plant. (For reference, see 14-1.02 of The School Code of Illinois)

. Speech and/or language impairment - The child exhibits deviations of speech and/or language processes which are outside the range of acceptable deviation within a given environment and which prevent full social or educational development. (For reference, see 14-1.06 of The School Code of Illinois)

b. Determine eligibility for special education programs and/or services.

c. Determine the child's unique educational needs and the extent to which these needs can be met by the standard program.

d. Determine the nature and degree of special education intervention which is needed, and recommend corresponding placement which is least restrictive of interaction with nonhandicapped children.

3. If the above conference is also used for the development of the IEP, then the components of Article 9.18a of these regulations shall be followed.

9.16
Eligibility for special education programs and services shall be determined by the presence of one or more of the following exceptional characteristics:

1. Visual impairment - The child's visual impairment is such that the child cannot develop his or her educational potential without special services a[illegible]aterials (For reference, see 14-1.02 of *The School Code of Illinois*)

2. Hearing impairment - The child's residual hearing is not sufficient to enable him or her to understand the spoken word and to develop language, thus causing extreme deprivation in learning and communication. Or the child exhibits a hearing loss which prevents full awareness of environmental sounds and spoken language, limiting normal language acquisition and learning achievement. (For reference, see 14.1.02 of *The School Code of Illinois*)

. Physical and health impairment - The child exhibits a physical or health impairment, either temporary or permanent, which interferes with his or her learning and/or which requires adaptation of the physical plant. (For reference, see 14-1.02 of *The School Code of Illinois*)

. Speech and/or language impairment - The child exhibits deviations of speech and/or language processes which are outside the range of acceptable deviation within a given environment and which prevent full social or educational development. (For reference, see 14-1.06 of *The School Code of Illinois*)

5. Specific learning disability - The child exhibits disorder in one or more of the basic psychologic processes involved in understanding or in using la guage, spoken or written, which may manifest itself an imperfect ability to listen, think, speak, rea write, spell, or to do mathematical calculations. Su term includes conditions as perceptual handicaps, bra injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include childre who have learning problems which are primarily th result of visual, hearing, or motor handicaps, of menta retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

6. Education handicap - The child exhibits education maladjustment related to social or cultural circu stances. (For reference, see 14-1.03 of *The School Co of Illinois*)

7. Behavior disorder - The child exhibits an affecti disorder and/or adaptive behavior which significant interferes with his or her learning and/or soci functioning. (For reference, see 14-1.03 of *The Scho Code of Illinois*)

8. Mental impairment - The child's intellectual development, mental capacity, adaptive behavior, and academi achievement are markedly delayed. Such mental impairment may be mild/moderate, severe, or profound. (Fo reference, see 14-1.04 and 14-1.05 of *The School Code o Illinois*)

9. Multiple impairment - The child exhibits two or mor impairments, severe in nature or total impact, whic significantly affect his or her ability to benefit fro the educational program. (For reference, see 14-1.07 o *The School Code of Illinois*)

.17

ecommendations made at the multidisciplinary conference hall be determined by consensus of the participating public chool personnel; if an agreement cannot be reached, ad itional information shall be obtained. In considering a hild with mental impairment, a certified school psychologist ust concur with the child's eligibility based on the results f a psychological evaluation.

. Recommendations for special education placement shall be based on the following:

a. The child shall be placed in the educational pro gram which is appropriate to the student's need and least restrictive of the interaction wit nonhandicapped children.

b. The special education placement must be based o the child's IEP, and located as close as possibl to the child's home.

c. Unless a handicapped child's IEP requires som other arrangement, the child must be educated i the school which he or she would attend if not handicapped.

d. Consideration must be given to any potentially harmful effect on the child, on the quality of services which he or she needs, or that which impedes the education of other students in th environment.

2. The proposed placement shall be consistent with th findings of the case study evaluation and the estab lished eligibility of the child.

9.18
A written report of the results and recommendations of th multidisciplinary conference shall be prepared.

1. The conference report shall be dated, and list the name of all those in attendance at the conference.

2. A copy of the conference report, together with all documentation upon which it is based, shall be kept o file by the local school district. The parents shall be informed of their rights to access of the report.

.18a
f the initial multidisciplinary conference was held for the urpose of formulating a placement recommendation, an ad itional meeting or meetings must be held for the purpose of eveloping the exceptional child's IEP. Each local district ust be responsible for initiating and conducting one or more eetings for the purpose of developing, reviewing and re ising the IEP. The meeting at which an exceptional child's EP is developed must be held within thirty (30) calendar ays of a determination that the child needs special educa ion and related services.

. Parents of an exceptional child must be notified of the meeting to develop, review, and revise an exceptional child's IEP. The local school district must take to insure that the parents of an exceptional chi present at each meeting or are afforded the oppor to participate, including:

a. Notifying parents of the meeting early enou insure that they will have an opportunit attend; and

b. Scheduling the meeting at a mutually agreed on and place.

c. The notice must indicate the purpose, tim location of the meeting, and who will be i tendance.

2. The following participants must be included in th meeting:

   a. A representative of the local district, othe the child's teacher, who is qualified to pr or supervise the provision of special edu (e.g., the state-approved special educatio rector or designee).

   b. The child's teacher. Teacher organization r sentatives may not attend without parental district consent.

   c. One or both of the child's parents or guard

      (1) If neither parent can attend, the local trict shall use other methods to insure p participation, including individual or co ence telephone calls.

      (2) A meeting may be conducted without a pare attendance if the local district is unab convince the parents that they should at In this case the local district must ha record of its attempts to arrange a mut agreed on time and place such as:

         (a) Detailed records of telephone calls or attempted and the results of t calls.

         (b) Copies of correspondence sent to parents and any responses received,

(c) Detailed records of visits made at th parent's home or place of employment an the results of those visits.

d. The child, where appropriate.

e. Other individuals at the discretion of the paren or local district.

3. For an exceptional child who has been evaluated for th first time, the local district shall insure that member of the evaluation team participates in th meeting or that the representative of the local district, the child's teacher, or some other person who is knowledgeable about the evaluation procedures used with the child and is familiar with the results of the evaluation, participates in the meeting, as well as an interpreter for the deaf if necessary.

4. The IEP shall include, but is not limited to, th following:

   a. A statement of the child's present levels of educational performance;

   b. A statement of annual goals, including short-ter instructional objectives;

   c. A statement of the specific special education an related services to be provided to the child, an the extent to which the child will be able t participate in regular educational programs;

   d. The projected dates for initiation of services and the anticipated duration of the services; and

   e. Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved.

5. The local district shall give the parent, on request, a copy of the exceptional child's IEP.

6. Following the determinaton of the child's IEP, parents shall be afforded, on an ongoing basis, reasonable opportunity for comment on and input into their child's educational program.

9.19
The local school board has the authority to place students special education programs. The board may also authorize, regulation, that the director of special education pl students in special education programs. (See Illin Revised Statutes, Chapter 122, Section 10-22.41)

9.20
The case study evaluation and multidisciplinary conferen shall be completed within sixty (60) school days of the da of referral or the date of application for admittance to t public school by the parents of the child. (See Illin Revised Statutes, Chapter 122, Section 14-8.01)

9.21
At least ten (10) calendar days prior to the actual placem of the child, the parents shall be notified, in writing, the following:

1. The results of the case study evaluation.

2. The nature of the special education program or serv needed by the child.

3. The recommendations for placement and the plan implementing those recommendations.

4. Their right to object to the proposed placement and specific procedures in making such an objection, cluding the procedures for requesting an impartial process hearing.

Record of such notice shall be entered in the child's tem rary student record.

9.22
If the parents consent to the proposed placement and wa the ten (10) calendar day interval before placement, child shall be placed in the recommended program as soon practicable.

9.23
If the parents object to the proposed placement within t (10) calendar days of their receipt of notification of t proposed placement, they shall contact the local distric indicating their objection. The district shall then arran a conference with the parents in an attempt to resolve t isagreement on placement. If the parents continue bject, they may appeal the proposed placement by requesti

an impartial due process hearing. [illegible]
in writing to the superintendent of the local school district.

1. Receipt of a request for an impartial due process hearing shall cause the district to postpone its proposed placement of the child until the matter is resolved.

2. The child shall remain in his or her current educational placement, unless a mutual agreement is reached between the parents and local school district, until the placement issue is resolved.

3. If the child is receiving no educational service and the parents are seeking initial placement in a public school, the child, with the consent of the parents, must be placed in the public school program until the completion of all the proceedings.

9.24
Special education placement shall be made as soon as possible after the determination of eligibility and need for such placement but in no case shall placement occur later than the beginning of the next school semester. (See Illinois Revised Statutes, Chapter 122, Section 14-8.01)

1. When special education placement is not possible prior to the next school semester, the local school district shall be responsible for providing interim services between placement determination and actual placement which are as appropriate to the child's needs as possible.

2. The local school district shall provide written notification to the parents of the child and the State Superintendent of Education regarding the nature of the services the child will receive in the interim. Written verification of the provision of these services shall be kept in the child's temporary student record.

9.25
In addition to initial placement conferences and/or IEP meetings, the educational status and continued special education placement of each child shall be reviewed at least annually in a conference attended by those professional persons working with the student, the parents, the child where appropriate, the special education director or designee who is qualified to supervise the provision of special education, and other individuals at the discretion of the parent or local district.

1. Utilizing appropriate evaluation information, incl teacher and parent opinions, the annual review determine the extent to which the child has me objectives and goals as specified in the child's IE recommend further evaluation or revise the child's

2. When further evaluation is indicated, pursuant to annual review, a review of the child's status as quested by the teachers, parents, other knowledge persons, or as a result of an impartial due pro hearing, such an evaluation shall be completed wi sixty (60) school days of the request.

3. A reevaluation of the child shall be conducted three years or more frequently if conditions warra if the child's parent or teacher requests an evalua

9.26
Notification to parents regarding continuation, ch reevaluation, or termination of placement shall infor parents of their right to object and of the procedures followed to make such an objection.

9.27
Written notification regarding the continuation of child's special education placement shall be provided t parents of the child as soon as possible but not later ten (10) calendar days prior to the beginning of each s year.

9.28
At least ten (10) calendar days prior to any major chan the educational placement of an exceptional child (exclu changes in levels, i.e., primary to intermediate), inclu those stated in rule 9.26, the parents shall be given wri notification of the proposed change, including the rea for the change and a description of the proposed prog

1. If the parents request an impartial due process hea regarding a proposed change in the educational place of their child, the district shall not change the pl ment until the matter is resolved.

2. If the parents agree to the proposed placement, th meeting shall be held for the revision of the chi IEP.

9.29
Special education placement may be terminated only afte conference has been held, to which the child's parents

ite. A complete review of the child's educational status all be conducted at that conference, determining that such acement is no longer required, and that termination of the acement is in the best interests of the child, or that the ild was inappropriately placed.

When the district decides to terminate a special education placement, the parents shall be notified at least ten (10) calendar days prior to such termination.

If the parents request termination of special education placement, the district shall review the child's educational status to determine whether the requested termination is in the best interests of the child. If, pursuant to this review, a continuation of the placement is recommended by the district, the parents may request an impartial due process hearing.

When the child's special education placement is terminated, a specific plan of transition, to include any provision of necessary related service and periodic followup, shall be developed and implemented.

PARTIAL DUE PROCESS HEARING

TICLE X

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er informal procedures consistent with these rules and gulations have been exhausted, and there remain differences ween the local school district and the parents or other sons having primary care and custody of the child, or the ld, an impartial due process hearing may be requested.

A hearing may be requested by the parents, other persons having primary care and custody of the child, the child or the district regarding, but not limited to, the following:

a. Objection to signing consent for a proposed case study evaluation or initial placement.

b. Failure of the local school district, upon request of the parents, other persons having primary care and custody of the child, the child, or the Illinois Office of Education, to provide a case study evaluation.

12. Indiana

Indiana

Rules, Regulations and Policies
Adopted and Promulgated
by the
Commission on General Education
# of the
Indiana State Board of Education
State of Indiana

Rule S-1

Issued By
Commission on General Education
of the
Indiana State Board of Education

1. Retention in the program;

2. Transfer to a different level (primary, intermediate, etc.) or intensity (instructional resource service, full-time special class, etc.) of special education programming;

3. Transfer to a regular school program; or

4. Transfer to an appropriate public resource.

Recommendations 2, 3, and 4 constitute a proposed change in the child's educational placement. Accompanying notice to the parent of the change, in respect to recommendations 2, 3, or 4, there shall be written notice of parental rights as outlined in points 1 through 12, subsection F. *Case Conference Committee Meeting.*

J. *Suspension or Expulsion*

Any handicapped child enrolled in special education programs or classes may be denied the right to attend school or to take part in any school function through suspension, expulsion, or exclusion procedures as outlined in IC 20-8.1-5. The expulsion or exclusion of any handicapped child in special education programs or classes shall be considered a change in the child's placement, requiring written notice to the child's parent of the change. Accompanying written notice of the expulsion or exclusion shall be written notice of parental rights as outlined in points 1 through 12, subsection F. *Case Conference Committee Meeting.*

Section 4 Special Education Programs for Handicapped Children

Programs to be approved under the provision of Rule S-1 shall make available free appropriate public education for all handicapped children as defined in Indiana statutes (IC 20-1-6-1).

A. *Programs for Children with Communication Handicaps*

1. *Definition*

A child with a communication handicap will exhibit one or more of the following disorders which adversely affect educational achievement, social, emotional, and/or vocational development:

a. *Articulation:*

This group of disorders includes all non-maturational speech deviations based primarily on incorrect production of speech sounds and may result from organic conditions or be non-organic, or functional, in nature. Articulation disorders include omissions, substitutions and/or distortions of speech sounds within words.

b. *Fluency:*

This group of disorders includes the speech deviations commonly referred to as stuttering and those which involve an abnormal rate of speech.

c. *Voice:*

This group of disorders includes three major types of deviations having to do with the sound of the voice: pitch, loudness, and quality.

d. *Language:*

This group of disorders includes deviations in receptive, integrative, and expressive functions of communication. The disorders may involve all, one, or some combination of the phonologic, morphologic, semantic, or syntactic components of the linguistic system.

e. *Auditory Disorders:*

This group of disorders includes characteristics of children who are deaf, hard of hearing, or children who exhibit auditory perceptual disorders. Services of the speech-language pathologist and/or the educational audiologist may be required for articulation, language and/or voice habilitation, auditory perceptual skills, auditory training, speech reading (lip reading) and/or speech conservation. The speech-language pathologist's services and/or the educational audiologist's services shall not be used in lieu of the services of certified teachers of the hearing impaired or learning disabled if such services are recommended by the initial Case Conference Committee or the annual case review.

2. *Eligibility*

Establishment of eligibility for services in a program for children who have communication disorders shall be made on the basis of an evaluation conducted by a speech-language pathologist licensed by the Indiana Teacher Training and Licensing Commission. All children who have symptoms of voice, acoustic, neurological, and/or physiological conditions which may be related to the communication disorder shall have a medical evaluation by a licensed physician. This physician's statement shall describe the medical need of the child and the consequent limitations to be imposed upon the child's communication training.

No child shall be placed in direct speech and/or language therapy based exclusively on having a native language other than English. Bi-lingual/multi-lingual speakers include children whose speech and/or language patterns deviate from those of standard English and are characteristic of dialectical differences. A bilingual/multi-lingual child may be enrolled in speech and/or language therapy only if the disorder (See above *Definition* a. through e.) is exhibited in both/all languages.

3. *Program Development*

Following the determination of eligibility, an individualized education program shall be written for each child. Determination of appropriate placement in a special education program for children with communication disorders shall be made by the Case Conference Committee which shall consider the results of speech, language and/or hearing evaluations and any other appropriate information. A written report shall designate an appropriate placement which provides the least restrictive environment for the child in order to maximize the child's total development.

4. *Placement*

Children shall be scheduled for therapy as intensively as individual need requires. This includes individual and/or group sessions. The number and length of sessions shall be adequate for reaching objectives as specified in the individualized education program.

Children may be scheduled in blocks for certain segments of the year. The length and number of these segments for each child shall be determined on the basis of the needs of the children. Children shall be scheduled intensively within these segments.

Caseloads shall be limited in number to allow the speech-language pathologist to meet the individual needs of each child enrolled as specified in the child's individualized education program.

The caseload shall be determined by:

a. The severity of the handicapping conditions of the children to be enrolled;

b. The types and intensity of therapy needed; and

c. The number of schools and the distance between schools served by the speech-language pathologist.

In addition, if the speech-language pathologist is not assigned to a full-time position with the communication handicapped, the caseload shall be adjusted accordingly.

Special consultation programs may be established by the speech-language pathologist to assist in serving communication handicapped children whose needs may be met either by providing indirect therapy through consultation with the classroom teacher and/or parent or by providing special classrooms for the communication handicapped. Such consultation is related to the development and implementation of the child's individualized education program, curriculum development, teaching techniques, material utilization and liaison with school personnel, the parent and outside agencies. All activities shall relate to the educational program of the child.

5. *Annual Case Review*

The Case Conference Committee shall meet each year to conduct the annual case review.

B. *Programs for the Seriously Emotionally Handicapped*

1. *Definition*

A ~~seriously~~ behaviorally emotionally handicapped child is a child with a severe condition exhibited over a long period of time and to a marked degree, which adversely affects educational performance and is characterized by one or more of the following: a) an inability to learn which cannot be explained by intellectual, sensory, or health factors (including children who are autistic); b) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; c) an inappropriate type(s) of behavior or feeling under normal circumstances (does not include children who are only socially maladjusted) d) a general pervasive mood of unhappiness or depression; e) a tendency to develop physical symptoms or fears associated with personal or school problems.

2. *Eligibility*

Establishment of eligibility for services in special education programs for children who are ~~seriously~~ behavioral emotionally handicapped shall be made by the Case Conference Committee upon the basis of a written educational evaluation which shall include, but not be limited to:

a. Documentation of those related services such as counseling, non-testing psychological services, and services rendered by other educational support personnel received by the child;

b. Documentation of systematic observation of the child in the classroom and/or school;

c. A report of academic and behavioral patterns including strengths and weaknesses; and

d. Recommendations for an individualized education program.

The educational evaluation shall also include information regarding social/emotional development; language and communication patterns; behavior patterns; and any other factors affecting the child's learning.

In addition, a written report of an individual evaluation by one or more of the following shall be utilized:

a. A physician with an unlimited license to practice medicine and who has had special training in psychiatry or neuropsychiatry;

b. A school psychologist or clinical psychologist certified by the Indiana State Board of Examiners in Psychology;

c. A school psychologist who is licensed by the Indiana Teacher Training and Licensing Commission.

3. *Program Development*

Following the determination of eligibility, the Case Conference Committee shall consider the results of the evaluations and prepare an individualized education program. A written report shall designate an appropriate placement which provides the least restrictive environment for the child in order to maximize the child's total development.

4. *Placement*

Following determination of eligibility and the development of an individualized education program, the Case Conference Committee shall recommend appropriate placement after considering the nature and severity of the handicap, and the type of instruction needed. The alternatives to be considered shall include the following:

a. *Special Consultation*

Special consultation programs may be established to assist in serving the seriously emotionally handicapped children whose special education needs may be met either in regular classrooms or special classrooms for the seriously emotionally handicapped and are to be provided by licensed teachers of the emotionally handicapped. Such consultation is related to the development and implementation of the child's individualized education program, curriculum development, teaching techniques, material utilization and liaison with school personnel, the parent and outside agencies. All activities shall relate to the educational program of the child.

b. *Instructional Resource Service*

Children remain in their regular placement for the major portion of the day and are scheduled into the instructional resource service for tutorial or small group instruction.

c. *Special Classes for the Seriously Emotionally Handicapped*

Children may be assigned to special classes for the seriously emotionally handicapped for all or portions of their instructional program. Each child is to be individually programmed into regular classes and activities as potential for individual success is demonstrated. Combination classes may be approved according to the definition of combination classes.

Class sizes and caseloads shall be limited in number to allow the teacher to meet the individual needs of each child enrolled as specified in the child's individualized education program.

The class size and caseload shall be determined by:

a. The severity of the handicapping conditions of the children to be enrolled;

b. The types and intensity of instruction needed;

c. The children's ages;

d. The availability of paraprofessionals; and

e. The related services to be provided outside the classroom by other personnel.

Caseload shall also be determined, in the case of the instructional resource service, by the number of schools and the distance between schools served.

In addition, if the teacher is not assigned to a full-time special education position, the caseload shall be adjusted accordingly.

5. *Annual Case Review*

The Case Conference Committee shall meet each year to conduct the annual case review.

C. *Programs for the Hearing Impaired*

1. *Definition*

The term hearing impaired refers to children who are deaf or hard of hearing. The term deaf means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing with or without amplification, which adversely affects educational performance. The term hard of hearing means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition of deaf.

Children with hearing impairments are those who require a variety of special education services, placement, and programming determined by the age of onset of the hearing loss, the nature and/or degree of hearing loss, and the ability of the child to function within the group structure.

2. *Eligibility*

Establishment of eligibility for services in a special education program for children who are hearing impaired shall be made by the Case Conference Committee.

The evaluation for eligibility shall include, but not be limited to:

a. A written report of a general medical examination by a physician with an unlimited license to practice medicine;

b. A written report of an audiological examination by an educational audiologist or a clinical audiologist licensed by the State Board of Examiners on Speech Pathology;

c. A written report of an otological examination by an otologist;

d. An educational evaluation utilizing instruments designed for hearing impaired or advocated use.

An educational evaluation for eligibility shall include: social/emotional development; language and communication patterns; behavior patterns; any other factors affecting the child's learning; and recommendations for an individualized education program.

3. *Program Development*

Following the determination of eligibility, the Case Conference Committee shall consider the results of the evaluation and prepare an individualized education program. A written report shall designate an appropriate placement which provides the least restrictive environment for the child in order to maximize the child's development.

4. *Placement*

Children who have been identified as hearing impaired will be educated in the local education agency unless one of the following conditions exists:

639

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—The parent of a hearing impaired child expresses preference that the child attend the Indiana School for the Deaf; or

—The comprehensive plan for serving hearing impaired children in the resident school corporation or joint services and supply cooperative is not approved by the Department of Public Instruction because of inability to provide a comprehensive program according to the "Guidelines for Comprehensive Planning"; or

—It is the considered opinion of an educational audiologist, the parent, the school and the administration of the Indiana School for the Deaf, that the child should be placed in the Indiana School for the Deaf.

a. *Infant Education:*

The program shall be submitted to the Division of Special Education sixty (60) calendar days prior to the anticipated beginning of the program. Applications for succeeding years shall be submitted in accordance with the provisions of Section III with accompanying program descriptions to include only such annual changes as may be made since the program was originated. Information to be included in the program description shall be as follows:

1) The program rationale;
2) The procedures for selection of the children;
3) The organizational plan and general curriculum content of the instructional program for the children;
4) The plan for administration, supervision and special consultation; and
5) The system for the evaluation of progress of the children.

b. *Special Consultation:*

Special consultation programs may be established to assist in serving hearing impaired children whose special education needs may be met either in regular classrooms or special classrooms for the hearing impaired and are to be provided by licensed teachers of the hearing impaired and/or educational audiologists. Such consultation is related to the development and implementation of the child's individualized education program, curriculum development, teaching techniques, material utilization and liaison with school personnel, the parent and outside agencies. All activities shall relate to the educational program of the child.

c. *Instructional Resource Service:*

Children remain in their regular placement for the major portion of the day and are scheduled into the instructional resource service for tutorial or small group instruction.

d. *Special Classes for the Hearing Impaired:*

Children may be assigned to special classes for the hearing impaired for all or portions of their instructional program. Each child is to be individually programmed into regular classes and activities as potential for individual success is demonstrated.

Combination classes may be approved according to the definition of combination classes.

Class sizes and caseloads shall be limited in number to allow the teacher to meet the individual needs of each child enrolled as specified in the child's individualized education program.

640

The class size and caseload shall be determined by:

1) The severity of the handicapping conditions of the children to be enrolled;
2) The types and intensity of instruction needed;
3) The children's ages;
4) The availability of paraprofessionals; and
5) The related services to be provided outside the classroom by other personnel.

Caseload shall also be determined, in the case of the instructional resource service, by the number of schools and the distance between schools served.

In addition, if the teacher is not assigned to a full-time special education position, the caseload shall be adjusted accordingly.

5. *Annual Case Review:*

The Case Conference Committee shall meet each year to conduct the annual case review.

Annual audiological examinations shall be conducted for all children enrolled in the special classes for hearing impaired.

D. *Programs for the Multiply Handicapped*

1. *Definition*

A multiply handicapped child is one with two or more handicapping conditions which interact and result in problems so complex, having been demonstrated through a diagnostic teaching evaluation service, that placement in regular programs or programs designed for children with single handicaps, even with reasonable alteration, additional equipment, special training aids and/or modified teaching techniques, will not result in significantly meaningful growth and achievement.

2. *Eligibility*

Establishment of eligibility for services in a special education program for children with multiple handicaps shall be made by a Case Conference Committee upon the basis of appropriate written medical information and an educational evaluation which shall be revised following a diagnostic-teaching evaluation and shall include recommendations for the individualized education program. Children being considered for programs for the multiply handicapped shall be assigned for diagnostic-teaching evaluation services rendered by a diagnostic evaluation team designed by the Case Conference Committee for such periods of time as may be necessary to assess the learning strengths and weaknesses of the individual child and to formulate a conclusion as to the most appropriate program placement. These children will receive these services while placed in regular and/or special education classes. In addition to, or in lieu of, the child being placed in regular and/or special education classes, a parent may choose to place the child for the duration of the diagnostic-teaching evaluation service at a state institution, e.g. Silvercrest Children's Development Center. A diagnostic-teaching evaluation service in the school system shall be conducted by licensed personnel with training in diagnosis and remediation of children with educational handicaps, and have available consultative services of appropriate specialists. The evaluation for eligibility shall include: social/emotional development; language and communication patterns; behavior patterns; motor skills; and any other factors affecting the child's learning.

3. *Program Development*

After a child has received the services of a diagnostic-teaching evaluation service, and following the determination of the eligibility, an individualized education program shall be made for the child. Determination of appropriate placement in a special education program for children with multiple handicaps shall be made by the Case Conference Committee which shall consider the results of an educational evaluation and appropriate medical information. Only those children who meet the definition of multiply handicapped shall be placed in classes for the multiply handicapped. Others shall be placed in regular classes or special education classes for a single handicap with appropriate related services, consultation and adaptive equipment. A written report shall designate an appropriate placement for the child in order to maximize the child's total development.

4. *Placement*

Following final determination of eligibility and the development of an individualized education program, the Case Conference Committee shall recommend appropriate placement with consideration given to the nature and severity of the handicap and the type of instruction needed.

Special classes for the multiply handicapped may be utilized as an instructional resource service for appropriate children.

Class sizes and caseloads shall be limited in number to allow the teacher to meet the individual needs of each child enrolled as specified in the child's individualized education program.

The class size and caseload shall be determined by:

a. The severity of the handicapping conditions of the children to be enrolled;
b. The types and intensity of instruction needed;
c. The children's ages;
d. The availability of paraprofessionals; and
e. The related services to be provided outside the classroom by other personnel.

Caseload shall also be determined, in the case of the instructional resource service, by the number of schools and the distance between schools served.

In addition, if the teacher is not assigned to a full-time special education position, the caseload shall be adjusted accordingly.

5. *Annual Case Review*

The Case Conference Committee shall meet each year to conduct the annual case review.

E. *Programs for the Mentally Handicapped*

A mentally handicapped child is one who demonstrates significant sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the period from birth through eighteen (18) years of age, which adversely affects a child's educational performance.

1. *Mildly Mentally Handicapped*

a. *Eligibility:*

Establishment of eligibility for services in a special education program for children who are mildly mentally handicapped shall be made by the Case Conference Committee upon the basis of an educational evaluation. The evaluation for eligibility shall include, but not be limited to, the child's adaptive behavior and intellectual capacity. The mildly mentally handicapped child will usually exhibit an adaptive behavior profile which is in the range of the educable mentally retarded as standardized by the AAMD Adaptive Behavior Scale, Public School Version, 1974 Revision—or like instrument. While the mildly mentally handicapped child will usually exhibit measured intelligence, determined through the application of an individualized appropriate standardized instrument, which is two or more standard deviations below the mean or average of the instrument which is administered, the Case Conference Committee must consider specific areas of educational need in making the eligibility determination, rather than considering only a single general intelligence quotient.

b. *Program Development:*

Following the determination of eligibility, the Case Conference Committee shall consider the results of the educational evaluation and prepare an individualized education program. A written report shall designate an appropriate placement which provides the least restrictive environment for the child in order to maximize the child's total development.

c. *Placement:*

Following determination of eligibility and development of an individualized education program, the Case Conference Committee shall recommend appropriate placement after considering the nature and severity of the handicap, and the type of instruction needed. The alternatives to be considered shall include the following:

1) *Special Consultation*

   Special consultation programs may be established to assist in serving the mildly mentally handicapped children whose special education needs may be met either in regular classrooms or special classrooms for the mildly mentally handicapped and are to be provided by licensed teachers of the mentally handicapped. Such consultation is related to the development and implementation of the child's individualized education program, curriculum development, teaching techniques, material utilization and liaison with school personnel, the parent and outside agencies. All activities shall relate to the educational program of the child.

2) *Instructional Resource Service*

   Children remain in their regular placement for the major portion of the day and are scheduled into the instructional·resource service for tutorial or small group instruction.

3) *Special Classes for the Mildly Mentally Handicapped*

   Children may be assigned to special classes for mildly mentally handicapped for all or portions of their instructional program. Each child is to be individually programmed into regular classes and activities as potential for individual success is demonstrated.

Class sizes and caseloads shall be limited in number to allow the teacher to meet the individual needs of each child enrolled as specified in the child's individualized education program.

The class size and caseload shall be determined by:

1) The severity of the handicapping conditions of the children to be enrolled;

2) The types and intensity of instruction needed;
3) The children's ages;
4) The availability of paraprofessionals; and
5) The related services to be provided outside the classroom by other personnel.

Caseload shall also be determined, in the case of the instructional resource service, by the number of schools and the distance between schools served.

In addition, if the teacher is not assigned to a full-time special education position, the caseload shall be adjusted accordingly.

d. *Annual Case Review:*

The Case Conference Committee shall meet each year to conduct the annual case review.

2. *Moderately Mentally Handicapped*

a. *Eligibility:*

Establishment of eligibility for services in a special education program for children who are moderately mentally handicapped shall be made by the Case Conference Committee upon the basis of an educational evaluation. The evaluation for eligibility shall include, but not be limited to, the child's adaptive behavior and intellectual functioning. The moderately mentally handicapped child will exhibit an adaptive behavior profile which is in the range of the trainable mentally retarded as standardized by the AAMD Adaptive Behavior Scale, Public School Version, 1974 Revision, or like instrument, and will usually exhibit measured intelligence, determined through the application of an individual appropriate standardized instrument, which is three or more standard deviations below the mean or average of the instrument which is administered.

b. *Program Development:*

Following the determination of eligibility, the Case Conference Committee shall consider the results of the educational evaluation and prepare an individualized education program. A written report shall designate an appropriate placement which provides the least restrictive environment for the child in order to maximize the child's total development.

c. *Placement:*

Following the determination of eligibility and development of an individualized education program, the Case Conference Committee shall recommend appropriate placement after considering the nature and severity of the handicap and the type of instruction needed. The alternatives to be considered shall include the following:

1) *Special Consultation*

Special consultation programs may be established to assist in serving the moderately mentally handicapped children, and are to be provided by licensed teachers of the mentally handicapped. Such consultation is related to the development and implementation of the child's individualized education program, curriculum development, teaching techniques, material utilization and liaison with school personnel, the parent and outside agencies. All activities shall relate to the educational program of the child.

2) *Special Classes for the Moderately Mentally Handicapped*

Children may be assigned to special classes for moderately mentally handicapped for all or portions of their instructional program.

Class sizes and caseloads shall be limited in number to allow the teacher to meet the individual needs of each child enrolled as specified in the child's individualized education program.

The class size and caseload shall be determined by:

1) The severity of the handicapping conditions of the children to be enrolled;
2) The types and intensity of instruction needed;
3) The children's ages;
4) The availability of paraprofessionals; and
5) The related services to be provided outside the classroom by other personnel.

Caseload shall also be determined, in the case of the instructional resource service, by the number of schools and the distance between schools served.

In addition, if the teacher is not assigned to a full-time special education position, the caseload shall be adjusted accordingly.

d. *Annual Case Review:*

The Case Conference Committee shall meet each year to conduct the annual case review.

3. *Severely/Profoundly Mentally Handicapped*

a. *Eligibility:*

Establishment of eligibility for services in a special education program for children who are severely/profoundly mentally handicapped shall be made by the Case Conference Committee upon the basis of an educational evaluation. The evaluation for eligibility shall include, but not be limited to, the child's adaptive behavior and intellectual functioning. The severely/profoundly mentally handicapped child will exhibit an adaptive behavior profile which is below the trainable mentally retarded as standardized by the AAMD Adaptive Behavior Scale, Public School Version, 1974 Revision, or like instrument, and will usually exhibit measured intelligence, determined through the application of an individualized appropriate standardized instrument, which is four or more standard deviations below the mean or average of the instrument which is administered.

b. *Program Development:*

Following the determination of eligibility, the Case Conference Committee shall consider the results of the educational evaluation and prepare an individualized education program. A written report shall designate an appropriate placement which provides the least restrictive environment for the child in order to maximize the child's total development.

c. Following determination of eligibility and development of an individualized education program, the Case Conference Committee shall recommend appropriate placement after considering the nature and severity of the handicap and the type of instruction needed. The alternatives to be considered shall include the following:

1) *Special Consultation*

Special consultation programs may be established to assist in serving the severely/profoundly mentally handicapped children and are to be provided by licensed teachers of the mentally handicapped. Such consultation is related to the development and implementation of the child's individualized education program, curriculum development, teaching techniques, material utilization and liaison with school personnel, the parent and outside agencies. All activities shall relate to the educational program of the child.

2) *Special Classes for the Severely/Profoundly Mentally Handicapped*

Children may be assigned to special classes for severely/profoundly mentally handicapped for all or portions of their instructional program.

Class sizes and caseloads shall be limited in number to allow the teacher to meet the individual needs of each child enrolled as specified in the child's individualized education program.

The class size and caseload shall be determined by:

1) The severity of the handicapping conditions of the children to be enrolled;
2) The types and intensity of instruction needed;
3) The children's ages;
4) The availability of paraprofessionals; and
5) The related services to be provided outside the classroom by other personnel.

Caseload shall also be determined, in the case of the instructional resource service, by the number of schools and the distance between schools served.

In addition, if the teacher is not assigned to a full-time special education position, the caseload shall be adjusted accordingly.

d. *Annual Case Review:*

The Case Conference Committee shall meet each year to conduct the annual case review.

F. *Programs for the Physically Handicapped*

1. *Definition*

A child is physically handicapped if he/she has 1) a severe orthopedic problem which is found to be a serious impairment of the child's locomotion or motor functions or 2) a health impairment which limits the child's strength, vitality, or alertness and is caused by a chronic or acute health problem, leading to an inability to function in the regular school program or demands a need for greater protection than the regular school program provides.

2. *Eligibility*

Establishment of eligibility for services in a special education program for children who are physically handicapped shall be made by the Case Conference Committee. The evaluation for eligibility shall include, but not be limited to:

a. Available medical background;
b. A written statement by a physician with an unlimited license to practice medicine that the placement is needed;

c. When appropriate, an evaluation and assessment for physical therapy and/or occupational therapy;

d. An educational evaluation.

3. *Program Development*

Following the determination of eligibility, the Case Conference Committee shall consider the results of the evaluation and prepare an individualized education program. A written report shall designate an appropriate placement which provides the least restrictive environment for the child in order to maximize the child's total development. Appropriate and adequate equipment shall be provided.

4. *Placement*

Following determination of eligibility and development of an individualized education program, the Case Conference Committee shall recommend appropriate placement after considering the nature and severity of the handicap and the type of instruction needed. Placement shall be made for educational purposes. The alternatives to be considered shall include the following:

a. *Special Consultation:*

Special consultation programs may be established to assist in serving the physically handicapped children whose special education needs may be met either in regular classrooms or special programs for the physically handicapped and are to be provided by licensed teachers of the physically handicapped. Such consultation is related to the development and implementation of the child's individualized education program, curriculum development, teaching techniques, material utilization and liaison with school personnel, the parent and outside agencies. All activities shall relate to the educational program of the child.

b. *Instructional Resource Service:*

Children remain in their regular placement for the major portion of the day and are scheduled into the instructional resource service for tutorial or small group instruction.

c. *Special Classes for the Physically Handicapped:*

Children may be assigned to special classes for the physically handicapped for all or portions of their instructional program. Each child is to be individually programmed into regular classes and activities as potential for individual success is indicated.

Combination classes may be approved according to the definition of combination classes.

Class sizes and caseloads shall be limited in number to allow the teacher to meet the individual needs of each child enrolled as specified in the child's individualized education program.

The class size and caseload shall be determined by:

1) The severity of the handicapping conditions of the children to be enrolled;
2) The types and intensity of instruction needed;
3) The children's ages;
4) The availability of paraprofessionals; and
5) The related services to be provided outside the classroom by other personnel.

Caseload shall also be determined, in the case of the instructional resource service, by the number of schools and the distance between schools served.

In addition, if the teacher is not assigned to a full-time special education position, the caseload shall be adjusted accordingly.

5. *Annual Case Review*

The Case Conference Committee shall meet each year to conduct the annual case review.

G. *Programs for the Learning Disabled*

1. *Definition*

The term learning disabilities shall mean a child who exhibits severe specific defects in perceptual, integrative or expressive processes which severely impair learning efficiency. Learning Disabilities include conditions which have been referred to as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia and may be manifested in disorders of listening, thinking, talking, reading, writing, spelling or arithmetic. They do not include learning problems which are due primarily to visual, hearing, or motor handicaps, to mental retardation, emotional disturbance, or to environmental disadvantages. Children enrolled in programs for the learning disabled shall be those who are chronic failures in the regular classroom setting and are seriously deficient in educational skills.

2. *Eligibility*

A child who is learning disabled shall exhibit, when first identified, a severe discrepancy between normal or near normal potential and academic achievement in at least one of the areas of basic reading skill, reading comprehension, written expression, expressive language, mathematical reasoning or calculations, or listening comprehension.

Establishment of eligibility for services in a special education program for children who are learning disabled shall be made by the Case Conference Committee upon the basis of an educational evaluation. The multidisciplinary evaluation team shall include the child's regular classroom teacher or, if the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his/her age. As a part of the evaluation, at least one team member other than the child's regular teacher shall observe the child's academic performance in the regular classroom setting. For a child less than school age or out of school, the observation shall take place in an environment appropriate for a child of that age. The team shall prepare a written report of the results of the evaluation.

The report shall include a statement of whether the child has a specific learning disability; the basis for making the determination; the relevant behavior noted during the observation of the child; the relationship of that behavior to the child's academic functioning; the educationally relevant medical findings, if any; whether there is a severe discrepancy between achievement and ability which is not correctable without special education and related services; and the determination of the team concerning the effects of environmental, cultural, or economic disadvantage.

In addition, each team member shall certify in writing whether the report reflects his or her conclusion. If the report does not reflect the team member's conclusion, the team member must submit a separate statement presenting his or her conclusions.

3. *Program Development*

Following determination of eligibility, the Case Conference Committee shall consider the results of the educational evaluation and prepare an individualized education program. A written report shall designate an appropriate placement which provides the least restrictive environment for the child in order to maximize the child's total development.

4. *Placement Alternatives*

Following determination of eligibility and the development of an individualized education program, the Case Conference Committee shall recommend appropriate placement after considering the nature and severity of the handicap and the type of instruction needed. The alternatives to be considered shall include the following:

a. *Special Consultation:*

Special consultation programs may be established to assist in serving the learning disabled children whose special education needs may be met either in regular classrooms or special programs for the learning disabled and are to be provided by licensed teachers of the learning disabled. Such consultation is related to the development and implementation of the child's individualized education program, curriculum development, teaching techniques, material utilization and liaison with school personnel, the parent and outside agencies. All activities shall relate to the educational program of the child.

b. *Instructional Resource Service:*

Children remain in their regular placement for the major portion of the day and are scheduled into the instructional resource service for tutorial or small group instruction.

c. *Special Classes for the Learning Disabled:*

Children may be assigned to special classes for the learning disabled for all or portions of their instructional program. Each child is to be individually programmed into regular classes and activities as potential for individual success is demonstrated.

Combination classes may be approved according to the definition of combination classes.

Class sizes and caseloads shall be limited in number to allow the teacher to meet the individual needs of each child enrolled as specified in the child's individualized education program.

The class size and caseload shall be determined by:

1) The severity of the handicapping conditions of the children to be enrolled;
2) The types and intensity of instruction needed;
3) The children's ages;
4) The availability of paraprofessionals; and
5) The related services to be provided outside the classroom by other personnel.

Caseload shall also be determined, in the case of the instructional resource service, by the number of schools and the distance between schools served. In addition, if the teacher is not assigned to a full-time special education position, the caseload shall be adjusted accordingly.

5. *Annual Case-Review*

The Case Conference Committee shall meet each year to conduct the annual case review.

H. *Programs for the Visually Handicapped*

1. *Definition*

A visually handicapped child is one who meets one of the following descriptions:

The Blind Child

A child is blind whose visual loss after correction is so severe, for educational purposes, that vision cannot be used as a major channel of learning.

The Partially Seeing Child

A child is partially seeing whose vision after correction deviates from normal to such an extent that the child is able to use vision as the principal means of learning.

2. *Eligibility*

Establishment of eligibility for services in a special education program for children who are visually handicapped shall be made by the Case Conference Committee. The evaluation for eligibility shall include, but not be limited to:

a. A written report of visual diagnosis by an ophthalmologist or an optometrist;

b. An educational evaluation.

3. *Program Development*

Following the determination of eligibility, the Case Conference Committee shall consider the results of the evaluation and prepare an individualized education program. A written report shall designate an appropriate placement which provides the least restrictive environment for the child in order to maximize the child's total development.

4. *Placement*

Placement shall be made for educational purposes. Children who have been identified as visually handicapped will be educated in the local education agency unless one of the following conditions exists:

—The parent of a visually handicapped child expresses preference that the child attend the Indiana School for the Blind;

—The comprehensive plan for serving visually handicapped children in the resident school or joint services and supply cooperative is not approved by the Department of Public Instruction because of inability to provide a comprehensive program according to the "Guidelines for Comprehensive Planning";

—It is the considered opinion of an attending physician, the parent, the school and the administration of the Indiana School for the Blind, that the child should be placed in the Indiana School for the Blind.

a. *Special Consultation:*

Special consultation programs may be established to assist in serving the visually handicapped children whose special education needs may be met either in regular classrooms or special programs for the visually handicapped and are to be provided by licensed teachers of the visually handicapped. Such consultation is related to the development and implementation of the child's individualized education program, curriculum development, teaching techniques, material utilization and liaison with school personnel, the parent and outside agencies. All activities shall relate to the educational program of the child.

b. *Instructional Resource Service:*

Children remain in their regular placement for the major portion of the day and are scheduled into the instructional resource service for tutorial or small group instruction.

c. *Special Classes for the Visually Handicapped:*

Children may be assigned to special classes for the visually handicapped for all or portions of their instructional program. Each child is to be individually programmed into regular classes and activities as potential for individual success is demonstrated.

Combination classes may be approved according to the definition of combination classes.

Class sizes and caseloads shall be limited in number to allow the teacher to meet the individual needs of each child enrolled as specified in the child's individualized education program.

The class size and caseload shall be determined by:

1) The severity of the handicapping conditions of the children to be enrolled;
2) The types and intensity of instruction needed;
3) The children's ages;
4) The availability of paraprofessionals; and
5) The related services to be provided outside the classroom by other personnel.

Caseload shall also be determined, in the case of the instructional resource service, by the number of schools and the distance between schools served.

In addition, if the teacher is not assigned to a full-time special education position, the caseload shall be adjusted accordingly.

5. *Annual Case Review*

The Case Conference Committee shall meet each year to conduct the annual case review.

Section 5 Personnel for Special Education Programs

All special education programs shall be staffed by teachers, therapists, speech-language pathologists, school psychologists, psychometrists, directors, and supervisors who hold licenses for their special work as promulgated by the Indiana Teacher Training and Licensing Commission or an appropriate Indiana licensing agency.

A. *Administrators and Supervisors*

1. *Director of Special Education*

A school, or two or more schools operating under a joint agreement program, which employs nine (9) or fewer full-time special education teachers (not including homebound teachers), therapists, and/or speech-language pathologists in two or more areas of special education shall employ a licensed director of special education on at least a half-time basis. A school, or two or more schools operating under a joint agreement program, which employs ten (10) or more full-time special education teachers (not including homebound teachers), thera-

13. Iowa

RULES OF SPECIAL EDUCATION

State of Iowa
DEPARTMENT OF PUBLIC INSTRUCTION
Special Education Division
Grimes State Office Building
Des Moines, Iowa 50319-0146

1985

Public Instruction [670]

TITLE X

SPECIAL EDUCATION AND GUIDANCE

CHAPTER 12
SPECIAL EDUCATION

DIVISION I

SCOPE, GENERAL PRINCIPLES AND DEFINITIONS

12.1(257,273,280,281,442) Scope 1
12.2(257,280,281) General priniciples 1
12.3(281) Definitions 2

DIVISION II

METHODS OF PROVIDING SPECIAL EDUCATION

12.4(281) General education preferred 6
12.5(281,282) Special education programs 6
12.6(281) Maximum class size 8
12.7(281) Special school provisions 9
12.8(281) Transportation 9
12.9(281) Special education centers 10

DIVISION III

DISTRICT AND AEA RESPONSIBILITIES

12.10(281) School district responsibilities 10
12.11(273,281) AEA responsibilities 11

DIVISION IV

PLANNING

12.12(273,281) Content and development of plan. 12
12.13(273,281) Approval of plan-exceptions. 13
12.14(273,281) Plan implementation 13

670—12.3(281) Definitions. As used in these rules, unless the context otherwise requires:

"AEA" is the area education agency.

"Agency" is a public or nonpublic organization which offers special education in one or more disability areas.

"Appropriate program" is the term describing the educational program option selected and consisting of specially designed interventions serving to meet the needs of a pupil requiring special education. This program is individually designed by a diagnostic-educational team, including the parents, and is defined in the pupil's IEP. The program is consistent with applicable research findings and best educational practices. In the absence of empirical evidence on the efficacy of any one intervention strategy, the diagnostic-educational team and the parents shall outline a plan of education which would appear to meet the educational needs of the pupil. The program shall not include practices which are not authorized by statute or these rules. The responsible agency must provide special education in accord with the pupil's IEP but the agency, teacher or other person is not held accountable if a pupil does not achieve the growth projected in the annual goals and objectives.

"Behaviorally disordered" is the inclusive term for patterns of situationally inappropriate behavior which deviate substantially from behavior appropriate to one's age and significantly interfere with the learning process, interpersonal relationships, or personal adjustment of the pupil to such an extent as to constitute a behavioral disorder.

1. Clusters of behavior characteristic of pupils who are behaviorally disordered include: Cluster I — Significantly deviant disruptive, aggressive or impulsive behaviors; Cluster II — Significantly deviant withdrawn or anxious behaviors; Cluster III — Significantly deviant thought processes manifested with unusual communication or behavioral patterns or both; and, Cluster IV — Significantly deviant behavior patterns characterized by deficits in cognition, communication, sensory processing or social participation or a combination thereof that may be referred to as autistic behavior. A pupil's behavior pattern may fall into more than one of the above clusters.

2. The determination of significantly deviant behavior is the conclusion that the pupil's characteristic behavior is sufficiently distinct from that of the pupil's peer group to qualify the pupil as requiring special education programs or services on the basis of a behavioral disorder. The behavior of concern shall be observed in the school setting for school-aged pupils and in the home or center-based setting for preschool-aged pupils. It must be determined that the behavioral disorder is not maintained by primary intellectual, sensory, cultural or health factors.

3. In addition to those data required within the comprehensive educational evaluation for each pupil requiring special education, the following areas of data shall be gathered when identifying a pupil as behaviorally disordered which describe the qualitative nature, frequency, intensity, and duration of the behavior of concern. If it is determined that any of the areas of data collection are not relevant in assessing the behaviors of concern, documentation must be provided explaining the rationale for such a decision. Such documentation will be reviewed and maintained by the director.

(a) *"Setting analysis data"* is information gathered through informal observations, anecdotal record review and interviews describing the setting from which a pupil was referred; documented prior attempts to modify the pupil's eductional program so as to make behavioral and academic achievement possible in the current placement; and, social functioning data that includes information, gathered from sources such as teacher interviews and sociometric measures, regarding the referred pupil's interaction with peers.

(b) *"Pupil behavioral data"* are measures of actual behavior that include the specific recording, through systematic formal observations, of a pupil's behavior, including the frequency of behaviors of concern; and, measures of reported behavior that include checklists or rating scales and interviews that document the perceptions of school personnel regarding the behavioral pattern of the referred pupil and the perception of the pupil's home and school behavior obtained from the parent or surrogate parent.

(c) *"Individual trait data"* is information about the unique personal attributes of the pupil.

This information, gathered through pupil and teacher interviews and relevant personality assessments, describes any distinctive patterns of behavior which characterize the pupil's personal feelings, attitudes, moods, perceptions, thought processes and significant personality traits.

"Board" means the Iowa state board of public instruction.

"Career-vocational education for the handicapped" includes, as a minimum, all required curricular activities specified in federal and state statutes (Iowa Code chapters 257, 258, 280, 281; 29 U.S.C. §794, and 20 U.S.C. §2301-2461), which are provided to individual pupils as a result of ongoing assessment of their career development needs and evaluation of their progress in meeting those needs from preschool through graduation.

"Children requiring special education" are those pupils handicapped in obtaining an education as specified in Iowa Code chapter 281, and as defined in these rules.

"Children who are handicapped in obtaining an education" are those pupils whose educational potential cannot be adequately realized in the general educational experience without the provision of special education as defined in these rules.

"Communication disability" is the inclusive term denoting speech and language impairments and hearing impairments.

"Deaf-blind" pupils have auditory and visual handicaps, the combination of which causes such severe communication and other developmental and educational problems that the pupils cannot properly be accommodated in special education programs solely for the hearing impaired or the visually impaired, without appropriate modifications.

"Department" means the state department of public instruction.

"Director" means the director of special education of the AEA.

"Eligible pupil" means a pupil who has attained eighteen years of age and maintains majority rights.

"Extended evaluation" is a status which may be utilized for pupils below age three who are in need of special education but for whom the diagnostic-educational team cannot determine the primary educational disability. A pupil may receive special education for a maximum of one year within this status to provide an opportunity to gather additional data for determination of a primary disability. A pupil whose disability can be determined shall be so diagnosed in order to assist parents and agencies in planning for the pupil's needs. An extended evaluation is to be used only in unique situations when need for special education is imperative and time would assist with providing a definite educational diagnosis. A pupil receiving special education while placed in extended evaluation status must have on file an interdisciplinary staffing report which defines the educational, observational and medical information obtained prior to provision of special education.

"Handicapped pupils" means children requiring special education.

"Hearing impairment," a communication disability, is a loss of auditory sensitivity ranging from mild to profound which may affect one's ability to communicate with others.

1. *"Deaf"* pupils include those individuals whose hearing impairment is so severe that they do not learn primarily be the auditory channel even with amplification, and who need extensive specialized instruction in order to develop language, communicative and learning skills.
2. *"Hard of hearing"* pupils include those individuals whose level of communication ability is adequate to allow them to acquire speech and language and to learn by auditory means although they may experience difficulty, under certain circumstances, in oral communication, language and learning skills with or without amplification, and who may need various classroom and instructional modifications in order to make full use of school experiences.

"IEP" means individualized education program.

"Learning disability" is the inclusive term denoting the inability to learn efficiently, in keeping with one's potential, when presented with the instructional approaches of the general education curriculum. The inability to learn efficiently is manifested as a disability in an individual's reception, organization, or expression of information relevant to school function. This disability is demonstrated as a severe discrepancy between an individual's general intellectual functioning and achievement in one or more of the following areas: School readiness skills, basic reading skills, reading comprehension, mathematical calculation, mathematical reasoning,

written expression and listening comprehension. A learning disability is not primarily the result of sensory or physical impairments, mental disabilities, behavioral disorders, cultural or language difference, environmental disadvantage, or a history of an inconsistent educational program. The following criteria shall be applied in identifying a pupil as learning disabled and in need of special education:

1. Hearing sensitivity must be within normal limits unless the hearing loss is temporary or not educationally relevant, such as a high frequency loss above the speech range.

2. Vision must be within normal limits after correction unless the impairment is temporary or not educationally relevant.

3. Intellectual functioning must be at or above one standard deviation below the mean as measured by an instrument recognized as a valid measure of intellectual functioning. A total or full-scale score shall be used in applying the intellectual criterion. In cases where measured intellectual functioning does not meet this criterion, but the results are suspect and the pupil's level of intellectual functioning is believed to be within the stated criterion, the individual responsible for assessing intellectual functioning shall state in writing the specific data which support that conclusion.

4. A severe discrepancy between current achievement and intellectual functioning exists when a pupil has been provided with learning experiences that are appropriate for the pupil's age and ability levels, and obtained scores in the achievement area(s) of concern are below the pupil's present grade placement and are more than one standard deviation below the mean on the distribution of achievement scores predicted from obtained intellectual functioning scores. In establishing the difference of one standard deviation, the effects of regression toward the mean and errors of measurement must be applied. If the technical data necessary to account for the effects of regression are not available, the discrepancy between the obtained achievement and intellectual functioning standard scores must be at least two standard errors of measurement for the difference.

If norm-referenced tests are not available in a particular achievement area, the diagnostic-educational team shall state in writing the assessment procedures used, the assessment results, the criteria applied to judge the importance of any difference between expected and current achievement, and whether a severe discrepancy is present that is not correctable without the provision of special education.

In cases where a pupil's obtained scores on norm-referenced tests are not severely discrepant from intellectual functioning, but the results are suspect and the diagnostic-educational team believes that the pupil's current achievement is severely discrepant, the team shall state in writing the specific nonnorm-referenced data, including a description of the assessment procedures used and the criteria applied to determine the presence of a severe discrepancy, which supports the team's conclusion. In such cases, a copy of the supportive documentation will be reviewed and maintained by the director.

5. A member of the diagnostic-educational team must observe the pupil's performance in the general education classroom setting for school-aged pupils or in the home or center-based setting for preschool pupils. The primary purposes of the classroom observation are to seek evidence for the existence of a learning disability and to determine the degree to which the disability, if any, affects learning. The individual responsible for the observation must be someone other than the pupil's classroom teacher who is trained to use observation as a diagnostic procedure.

6. The severe discrepancy between achievement and intellectual functioning must not be primarily attributable to behavioral disorders, chronic health problems, physical impairments, environmental disadvantage, cultural or language difference or a history of an inconsistent educational program.

7. The degree of the achievement-intellectual functioning discrepancy may decrease as a pupil receives special education, progresses academically and maintains that progress. Consideration of these factors will be used to determine a pupil's movement along the continuum of special and general education options, and in targeting appropriate transfer from a special education instructional program. A pupil who attains an achievement level commensurate

with expected performance, given current grade level placement and intellectual functioning, and is able to maintain satisfactory educational performance in the general classroom setting shall be transferred from the special education instructional program.

"Mental disability" is the inclusive term denoting significant deficits in adaptive behavior and subaverage general intellectual functioning. For educational purposes, adaptive behavior refers to the individual's effectiveness in meeting the demands of one's environment and subaverage general intellectual functioning as evidenced by performance greater than one standard deviation below the mean on a reliable individual test of general intelligence valid for the individual pupil.

"Multicategorical" means special education in which the pupils receiving special education have different types of disabilities.

"Parents" means a parent, a guardian, a person designated and serving as the parent or a surrogate parent for special education purposes.

"Physical disability" is the inclusive term used in denoting physical or visual impairments of pupils requiring special education.

"Physical impairment," a physical disability, is manifested as an aberration of an essential body structure, system or function. Physical impairments are defined operationally in terms of orthopedic, neuromuscular, other health impairments, or any combination, which may be a result of congenital or acquired conditions of unknown or miscellaneous causes. These pupils may manifest functional impairments in body balance, ambulation and limb and hand utilization. The severity of these noncognitive functional limitations are such that the pupil needs special education.

"Preschool handicapped" are those pupils below the age of seven who require special education and who are not appropriately provided for within the scope of general education or other special education programs.

"Primary disability" is that disability with the most dominant characteristics and for which the greatest intervention is programmed. For those pupils with more than one disability, primary disability is a determination made by the director utilizing recommendations of the diagnostic-educational team.

"Profoundly multiply handicapped" are descriptive of pupils who may exhibit a combination of the following characteristics:

1. Use no means of communication beyond affect responses or use an augmented communication system that is not a standard symbol system to indicate needs and wants.
2. Are dependent in mobility or requires supervision in order to meaningfully traverse between points in the environment.
3. Are dependent in all daily living activities.
4. Have minimal social interaction skills and may exhibit severe maladaptive behaviors.
5. Have mental, physical or sensory handicaps.
6. Have fragile medical conditions, including seizures.

"Pupil" means a person over seven and under sixteen years of age who, pursuant to the statutes of this state, is required to receive an education; a person under seven or over sixteen years of age who, pursuant to the statutes of this state, is entitled to receive a public education; and, a person between the ages of twenty-one and twenty-four who, pursuant to the statutes of this state, is entitled to receive special education.

"School district of the child's residence" or *"district of residence of the child"* is that school district in which the parent of the pupil resides, with the following statutory and legal interpretations:

1. When full and complete control of the pupil is transferred from a parent to others for the purpose of acquiring a home rather than to obtain a free education, the district of residence of the pupil is the district in which the pupil and those who have accepted full and complete control of the pupil reside, and that district becomes responsible for providing and funding the educational program.
2. If full and complete control of a pupil is transferred by a parent to others who reside in another school district for the purpose of obtaining an education, the district of residence

remains with the parents, therefore, the parents must pay tuition to the receiving district. The district of residence cannot be held responsible for tuition payment.

3. "Certain children" are pupils requiring special education who are living in a state supported institution, charitable institution or licensed board home which does not maintain a school.

4. "Children placed by the district court" are pupils requiring special education for whom parental rights have been terminated and who have been placed in a facility or home by a district court.

"Severely handicapped" are pupils with any severe disability including pupils who are profoundly multiply handicapped.

"Special education" is all instructional and support programs and services, provided in accord with Iowa Code chapter 281 and these rules, by the department, AEA, school district or other recognized agencies. Special education provides a continuum of program and service options in order to provide the least restrictive intervention which is required to meet the educational needs of each pupil, regardless of disability.

"Special education instructional programs" are those special education classroom and instructionally related activities for children requiring special education ordinarily provided by the school district but which, in some instances, may be contracted from the AEA or another recognized agency.

"Special education support programs and services" are those activities which augment, supplement or support general or special education for pupils requiring special education and which are ordinarily provided by the AEA but may be provided by contractual agreement, subject to the approval of the board, by the school district or another qualified agency.

"Speech and language impairment," a communication disability, includes:

1. Impairment in language: A disability in verbal language resulting in a markedly impaired ability to acquire, use or comprehend spoken, read or written language due to difficulties in acquisition and usage of syntax, morphology, phonology and semantics.

2. Impairment in voice: An abnormality in pitch, loudness or quality resulting from pathological conditions, psychogenic factors or inappropriate use of the vocal mechanism which interferes with communication or results in maladjustment.

3. Impairment in fluency: A disruption in the normal flow of verbal expression which occurs frequently, or is markedly noticeable and not readily controllable by the pupil. The disruption occurs to the degree that the pupil or the pupil's listeners evidence reactions to the manner of the pupil's communication so that communication is impeded.

4. Impairment in articulation: Defective production of phonemes which interferes with ready intelligibility of speech.

"Visual impairment," a physical disability, is characteristic of pupils whose vision deviates from the normal to such an extent that they require special education. Educational functioning and visual and adaptive skills are used in determining needs of pupils with visual impairments.

DIVISION II
METHODS OF PROVIDING SPECIAL EDUCATION

670—12.4(281) General education preferred.

12.4(1) *Least restrictive alternative.* Pupils requiring special education shall attend classes, participate in extra-curricular activities and receive services in a general education setting to the extent appropriate. Handicapped pupils shall be maintained in general education classes with special education support services when appropriate.

12.4(2) *Continuum of options available.* Special education shall provide a continuum of program and service options from birth to the maximum age provided by the Iowa Code, whereby systematic instruction and services are given in order to effectively meet the educational needs of each pupil.

670—12.5(281,282) Special education programs. Special education programs may be of eight types.

12.5(1) *Self-contained special class.* An educational program for pupils with similar educational needs who are severely handicapped and whose instructional program is provided by a special education teacher. The pupils shall be offered opportunities to participate in activities with nonhandicapped peers and adults. Preschool programs of this type may be operated on a multicategorical basis. (Reference Iowa Code section 281.91(1)"*d*")

12.5(2) *Self-contained special class with little integration.* An educational program for pupils with similiar educational needs who require special education but who can benefit from limited participation in the general education curriculum with nonhandicapped pupils. The maximum class size for this model is eight (8) at the preschool and the elementary levels and ten (10) at the secondary level. Preschool programs of this type may be operated on a multicategorical basis. (Reference Iowa Code section 281.9(1)"*e*")

12.5(3) *Special class with integration.*

a. An educational program for pupils requiring special education who have similar educational needs and who can benefit from participation in the general education curriculum in one or more academic subjects with pupils who are not handicapped. The maximum class size for this model is twelve (12) at the elementary level and fifteen (15) at the secondary level with the exception of the hearing impaired which is ten (10) at both levels. This program shall include provisions for ongoing consultation and demonstration with the pupil's teachers.

b. Programs of this type may be operated on multicategorical basis with approval of the director. For approval to be granted, the following conditions shall be considered: Support services provided to the program including appropriately authorized consultant services; the need for and availability of paraprofessionals to assist the teacher; served pupils have comparable educational needs; the chronoloical age range does not exceed four years; and, program curriculum consists of appropriate content for handicapping conditions served. (Reference Iowa Code section 281.9(1)"*b*")

12.5(4) *Resource teaching program.* An educational program for pupils requiring special education who are enrolled in a general education curriculum for a majority of the school day but who require special education in specific skill areas on a part-time basis. Pupils enrolled in this type of program require special education for a minimal average of thirty minutes per day. The maximum class size is eighteen (18) at the elementary and secondary levels with the exception of the hearing and visually impaired which is fifteen (15) at both levels. The teacher of a resource teaching program shall serve in no more than two attendance centers. This program shall include provisions for ongoing consultation and demonstration with the pupils' teachers and may be operated on a multicategorical basis. (Reference Iowa Code section 281.9(1)"*b*")

12.5(5) *Itinerant services (school-based).* Special education may be proivded on an itinerant basis whenever the number, age, severity or location of pupils to be served does not justify provision by professional personnel assigned on a full-time basis to one or two attendance centers.

12.5(6) *Itinerant home services or hospital services.*

a. Pupils requiring special education shall not be denied special education when their condition precludes school attendance. Appropriate special education shall be provided through home or hospital instruction. The provision of special education through home or hospital instruction will be approved by the director only for those handicapped pupils whose condition precludes their participation in the general or special education conducted in schools or related facilities. The status of pupils so placed will be periodically reviewed to substantiate the appropriateness of the placement.

b. When it is necessary, as determined by the director, to provide a home instruction program for a pupil requiring special education who has been removed from school because of unacceptable school behaviors, the program shall be reviewed by the diagnostic-educational team, including the parents, at least every thirty calendar days to review other alternatives or to determine that home instruction continues to be appropriate.

c. Procedural safeguards shall be afforded to pupils requiring itinerant special education home or hospital instruction. A diagnostic-educational team must make the program recommendations; parents must give consent or be given notice, as appropriate; and a new or a revised IEP must be developed.

d. Teachers primarily employed to provide special education in psychiatric units or mental health centers shall be certificated to serve pupils with behavioral disorders.

12.5(7) *Supplemental services.* Services provided by special education personnel for pupils requiring special education include:

a. Provision of information, consultation and support to classroom teachers, curriculum specialists, special education personnel and administrators.

b. Supervision and training of aides.

c. Inservice training of personnel providing or being prepared to provide special education.

d. Parent and pupil counseling and instruction.

e. Demonstration of special education procedures and techniques.

f. Curriculum development activities.

g. Assessment, consultation, pre-evaluation activities, program planning, and referral and co-ordination with community agencies and services.

12.5(8) *Special adaptations (supplemental assistance).* Handicapped pupils may be weighted in accord with Iowa Code section 281.9(1) "*b*", when the diagnostic-educational team recommends that through special adaptations the pupil can appropriately be served in the general education classroom. Authorized programs may include: Intensive short-term special education instructional intervention; interpreters for hearing impaired pupils; readers for visually impaired pupils; educational aides; aides for physically disabled pupils or other handicapped pupils for assistance in and about school; materials; and, specialized or modified instructionally related equipment for use in the school.

670—12.6(281) Maximum class size. Maximum class size limits are set forth in 12.6(5) and are predicated upon one teacher to the specified class size. In instances where a teacher is employed less than full time, the maximum class size shall be proportionate to the full-time equivalency of the teacher employed.

12.6(1) *Class size and age span (subrule 12.30(2).* If, in unique circumstances, it is necessary to exceed the class size maximum for a resource teaching program, a special class with integration or a self-contained special class with little integration, the director shall review the proposed placement for appropriateness in accord with Iowa Code section 273.5 and maintain documentation which records the following: That the placement does not adversely affect the appropriateness of the program for all pupils in the class; that support services are provided to the program, including appropriately authorized consultant services; that consideration has been given to the need for and availability of paraprofessionals to assist the teacher; that consideration has been given to the need for additional instructional staff; that served pupils have comparable educational needs; that the chronological age range does not exceed six years (four years for a multicategorical special class with integration); and, that program curriculum consists of appropriate content for the handicapping conditions served.

12.6(2) *Special circumstances.* When circumstances necessitate placing a handicapped pupil in a less restrictive model for receipt of the recommended program, that pupil shall count as two pupils in computing class size maximum.

12.6(3) *Staff-to-pupil ratio.* The staff-to-pupil ratio in self-contained special classes for severely handicapped pupils shall be one teacher and one educational aid for each five pupils. When pupils numbering six through nine are added, an additional educational aide must be employed. When the tenth pupil is placed, another teacher must be employed for that program. The chronological age range of pupils enrolled in a self-contained special class shall not exceed six years.

12.6(4) *Secondary level classes.* Self-contained special classes with little integration at the secondary level may be operated with enrollments of fifteen pupils if an AEA work experience co-ordinator co-ordinates and supervises on and off campus work experiences for those pupils requiring specially designed career exploration and vocational preparation.

14. Kentucky

Kentucky

Kentucky
Administrative Regulations

Related to Exceptional Children

April 1981

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March, 1981

KENTUCKY ADMINISTRATIVE REGULATIONS

707 KAR 1:052

PROGRAMS FOR CHILDREN WITH COMMUNICATION DISORDERS

Section 1.

General provisions. Local school boards of education shall operate programs for children of school attendance age with communication disorders pursuant to KRS 157.200 to 157.285, inclusive, and the criteria listed in this section.

Section 2.

Programs for pupils with communication disorders of speech and language shall be operated according to the following provisions:

(1) Eligibility criteria: (a) An admissions and release committee shall determine that a child has a communication disorder provided there is evidence of a disorder in language and/or speech, (i.e., dysfluency, impaired articulation, or a voice impairment which adversely affects the child's educational performance.

(b) A child who meets the above criteria shall be eligible for special education and related services.

(2) Admissions and release committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation and placement of communication disordered children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed.

(3) Child evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirement in 707 KAR 1:051, Section 4 and shall include procedures that are appropriate for the diagnosis of speech and language disorders. The assessment of the referred pupil for identification and placement purposes shall include, where appropriate:

(a) The referring persons's written assessment of the pupil's specific strengths and weaknesses in speech, language and/or hearing, when the child is referred by other than the speech/language pathologist;

(b) An evaluation of the receptive and expressive language skills;

(c) An appraisal of the structure and function of the speech mechanism;

(d) An evaluation of articulation proficiency;

(e) Written behavioral observations. The observations shall describe behaviors exhibited in familiar surroundings and shall be written for pupils with suspected disorders of fluency, voice, and/or language;

(f) An appraisal of voice quality and fluency, and;

(g) An evaluation of auditory acuity and auditory processing.

(4) Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each pupil identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of the individual education program.

(5) Placement. Placement in a program for communication disorders shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

(6) Classroom plan. Classroom programs for communication disordered pupils shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Classroom programs for communication disorders shall be established under the resource plan. Requests for approval of a variation plan shall be made to the Bureau of Education for Exceptional Children. Approval shall be based on the following:

(a) Rationale for the proposed plan;

(b) A detailed description of the proposed plan; and

(c) The method of annual evaluation to be used to determine the effectiveness of the proposed plan.

(7) Membership. Membership in programs for communication disorders of speech and language shall be:

Minimum	Maximum
35	75 per week

Membership of the caseload for a speech/language pathologist providing services to severely handicapped pupils may be reduced to 20-35 by the Bureau of Education for Exceptional Children upon submission of written request and justification for such a reduction by the local school district.

(8) Planning time. One-half (1/2) day, or the equivalent of one-half (1/2) day, per week shall be allotted for planning and conference.

(9) Mobile van. Local school districts shall have the authority to use a mobile van for the instructional program providing a written request has been submitted and approved by the Department of Education. Approval shall be made by the Bureau of Education for Exceptional Children in collaboration with the Division of Transportation.

Section 3.

Programs for pupils with communication disorders of impaired hearing shall operate according to the following provisions:

(1) Eligibility criteria:

(a) An admissions and release committee shall determine that a child is hearing impaired provided the following eligibility criteria are met:

1. The child has a hearing loss ranging from mild to profound.

2. The loss shall be to such a degree that he/she does not use, with or without amplification, normal communication skills effectively.

3. The loss shall be to such a degree that it adversely affects his/her educational performance.

(b) A child who meets the above criteria shall be eligible for special education and related services.

(2) Admissions and release committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation and placement of hearing impaired children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed.

(3) Child evaluation. Appropriate evaluation of each child shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The assessment of the referred pupil for identification and placement purposes shall consist of:

(a) A written behavioral observation of the referred pupil in familiar surroundings (i.e., classroom, playground, etc.);

(b) The referring person's written assessment of the pupil's specific strengths and weaknesses in the basic skills area;

(c) Formal and informal educational evaluation data composed of individual and/or group standardized academic achievement tests and individual assessment of basic skills areas such as reading, math and language;

(d) A developmental and social history;

(e) An audiological evaluation including pure tone, air and bone conduction, speech reception threshold, and speech discrimination;

1. When fitted with hearing aids, the evaluation should include free field measurements by tones and speech for threshold, and speech discrimination; and

2. Examination of the earmold, cord receiver, harness and other components of the hearing aid.

(f) Receptive and expressive language evaluation and an evaluation of articulation proficiency; and

(g) Additional reports, information and assessments deemed necessary by the admissions and release committee for the appropriate placement of each child.

(4) Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each pupil identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of the individual education program.

(5) Placement. Placement in a program for hearing impaired shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

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(6) Classroom plan. Classrooms for hearing impaired pupils shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Classroom plans for hearing impaired pupils shall be established under the resource, special class, or variation plan.

(7) Membership and age range:

(a) Classroom membership and age range in programs for communication disorders of impaired hearing shall be:

Classroom Plan (Units)	Membership	Age Range
Special Class Plan	3 to 6	4 years
Resource Plan (Classroom Teacher)	3 to 8	6 years
Resource Plan (Itinerant Teacher)	3 to 10	unlimited

(b) No more than four (4) pupils, all within a four (4) year age span, may be in the resource room during any one (1) instructional period.

(c) Variations of the above shall be considered for approval upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to, the following:

1. Age and grade level of the pupils;
2. Physical condition of the pupils; and
3. Support personnel.

February, 1981

KENTUCKY ADMINISTRATIVE REGULATIONS

707 KAR 1:053

PROGRAMS FOR PHYSICALLY HANDICAPPED AND OTHER HEALTH IMPAIRED CHILDREN

Section 1.

General provisions. Local school boards of education shall operate programs for physically handicapped and other health impaired children of school attendance age pursuant to KRS 157.200 to 157.285, inclusive, and the criteria listed in this section.

Section 2.

Eligibility criteria. (1) An admissions and release committee shall determine that a child is physically handicapped provided the child has a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of hand, arm, leg, etc.), impairments caused by disease (e.g., polio-myelitis, bone tuberculosis, etc.) and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).

(2) An admissions and release committee shall determine a child is other health impaired provided the following criteria are met:

(a) The child has limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, sickle cell anemia, hemophilia, epilepsy, rheumatic fever, nephritis, asthma, lead poisoning, leukemia, or diabetes.

(b) The condition(s) of the child adversely affects the child's educational performance.

(3) A child who meets the above criteria shall be eligible for special education and related services.

Section 3.

Admissions and release committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation and placement of physically handicapped and other health impaired children. The appropriate admissions and release

668

committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed.

Section 4.

Child evaluation. (1) Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. Evaluation for identification and placement shall include:

(a) An educationally relevant medical statement;

(b) A developmental and social history;

(c) An individual assessment of basic skills, (i.e., reading, math, language); and

(d) A written behavioral observation.

(2) Additional reports, such as physical therapy and occupational therapy as deemed necessary by the admissions and release committee for the appropriate placement of each child.

Section 5.

Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

Section 6.

Placement. Placement in a program for physically handicapped and other health impaired shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

Section 7.

Classroom plan. Programs for physically handicapped and other health impaired pupils shall be established under the special class, resource, or variation plan as described in 707 KAR 1:051, Section 1.

669

Section 8.

Membership and age range. (1) Classroom membership and age range in programs for the physically handicapped and other health impaired shall be:

Classroom Plan (Units)	Membership	Age Range
Special Class Plan	8 to 16	6 years
Resource Plan	8 to 20	6 years

(2) No more than eight (8) pupils may be in the resource room during any one (1) instructional period.

(3) Variations of the above shall be considered for approval upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to, the following:

(a) Age and grade level of the pupils;

(b) Physical condition of the pupils; and

(c) Support personnel.

March, 1981

KENTUCKY ADMINISTRATIVE REGULATIONS

707 KAR 1:054

PROGRAMS FOR THE EMOTIONALLY DISTURBED; BEHAVIOR DISORDERED

Section 1.

General provisions. Local school boards of education shall operate programs for the emotionally disturbed (behavior disordered) of school attendance age pursuant to KRS 157.200 to 157.285, inclusive, and the criteria listed in this section.

Section 2.

Eligibility criteria. (1) An admissions and release committee shall determine that a child is emotionally disturbed (behavior disordered) provided the following eligibility criteria are met:

(a) The child manifests symptoms characterized by diagnostic labels such as psychosis, schizophrenia and autism; and/or

(b) The child demonstrates one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:

1. An inability to learn at a rate commensurate with intellectual, sensory-motor and/or physical development because of emotional problems;
2. An inability to build or maintain satisfactory interpersonal relationships with peers and adults;
3. Behavior which is disruptive to the learning process of other students or himself;
4. A general pervasive mood of unhappiness or depression; and
5. A tendency to develop physical symptoms or fears associated with personal or school problems;

(c) The criteria does not include those who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.

(2) A child who meets the above criteria shall be eligible for special education and related services.

Section 3.

Admissions and release committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of emotionally disturbed (behavior disordered) pupils. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed.

Section 4.

Child evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The assessment of the referred pupil for identification and placement purposes shall consist of:

(1) A health screening which would indicate there are no primary visual, auditory or physical handicapping conditions;

(2) A written account of the specific behavioral data collected over a period of time by the referral source describing the behavior(s) of concern;

(3) A written compilation of data from direct observations of the referred pupil in familiar surroundings by a person other than the referral source;

(4) An individual educational assessment of the referred pupil's specific strengths and weaknesses in basic skill areas;

(5) An individual psychological or psychiatric evaluation;

(6) A developmental and social history;

(7) A written record/evidence of previous educational and behavioral intervention strategies that have been utilized.

Section 5.

Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each pupil identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

Section 6.

Placement. Placement in a program for the emotionally disturbed (behavior disordered) shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

Section 7.

Classroom plan. Classroom plans for the emotionally disturbed (behavior disordered) shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Classroom plans for emotionally disturbed (behavior disordered) pupils shall be established under the resource, special class or variation plan.

Section 8.

Membership and age range. (1) Classroom membership and age range in programs for the emotionally disturbed (behavior disordered) shall be:

Classroom Plan (Units)	Membership	Age Range
Special Class Plan	5 to 8	4 years
Resource Plan	6 to 15	6 years

(2) No more than eight (8) pupils, all within a four (4) year age span, may be in the resource room during any one (1) instructional period.

(3) Variations of the above shall be considered for approval upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age will include, but are not limited to, the following:

(a) Age and grade level of the pupils;
(b) Physical condition of the pupils; and
(c) Support personnel.

Section 4.

Child evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4 and the appropriate categorical regulation(s). Evaluations shall include:

(1) A developmental and social history;

(2) Medical statement(s) pursuant to KRS 159.030;

(3) An individual assessment of basic skills, (i.e., math, reading, language);

(4) Written behavioral observation; and/or

(5) Additional reports, information, and assessments deemed necessary by the admissions and release committee for the appropriate placement of each child.

Section 5.

Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each exceptional child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program. The IEP is required for each exceptional child placed in a program for home instruction and/or hospital instruction.

Section 6.

Placement. Placement in a home instruction and/or hospital instruction program shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6. The child shall be returned to a less restrictive and more appropriate educational environment when improvement of the condition renders this advisable. Home instruction shall not be used as a substitute for a more appropriate educational placement for exceptional children. A responsible adult shall be in the home during the time the home instruction teacher is present.

Section 7.

Classroom plan. Programs for home instruction and/or hospital instruction shall be established pursuant to plan(s) as described in 707 KAR 1:051, Section 1.

Section 8.

Membership and age range. (1) Classroom membership and age range in programs for home instruction and/or hospital instruction shall be:

Classroom Plans (Units)	Membership	Age Range
Home Instruction Plan	5 to 10	unlimited
Hospital Based-Special Class Teacher	6 to 15	unlimited
Hospital Based-Itinerant Teacher	5 to 12	unlimited

(2) Variations of the above shall be considered for approval upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to, the following:
(a) Age and grade level of the pupils;
(b) Physical condition of the pupils; and
(c) Support personnel.

Section 9.

Temporary placement for non-exceptional children. Local boards of education shall implement referral and placement procedures in accordance with local board policy for children with temporary conditions such as fractures, surgical recuperation, kidney infection, and pregnancy; and local boards do not need to follow the due process procedures outlined in 707 KAR 1:051.

675

March, 1981

KENTUCKY ADMINISTRATIVE REGULATIONS

707 KAR 1:056

PROGRAMS FOR CHILDREN WITH SPECIFIC LEARNING DISABILITIES

Section 1.

General provisions. Local school boards of education shall operate programs for learning disabled children of school attendance age pursuant to KRS 157.200 to 157.285, inclusive, and the criteria listed in this section.

Section 2.

Eligibility criteria. (1) An admissions and release committee shall determine that a child has a specific learning disability provided the following eligibility criteria are met:

(a) The child does not achieve commensurate with his or her age and ability levels when provided with learning experiences appropriate for the child's age and ability levels; (in one or more of the seven (7) areas listed below):

1. Oral expression;
2. Listening comprehension;
3. Written expression;
4. Basic reading skills;
5. Reading comprehension;
6. Mathematics calculation; and/or
7. Mathematics reasoning.

(b) The child has a severe discrepancy between achievement and intellectual ability in one or more of the seven (7) areas listed above.

(2) The admissions and release committee shall not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of:

(a) A visual, hearing or motor handicap;
(b) Mental retardation;
(c) Emotional disturbance; or
(d) Environmental, cultural or economic disadvantage.

(3) A child who meets the above criteria shall be eligible for special education and related services.

Section 3.

Admissions and release committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation and placement of learning disabled children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed.

Section 4.

Child evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4.

(1) Team membership. In order to evaluate and identify children with specific learning disabilities, the team membership shall include, but not be limited to:

(a) Referred pupil's regular education teacher; or

1. If the child does not have a regular education teacher, then a teacher qualified to teach a child of his or her age.

2. For a child of less than school age, an individual qualified by the state education agency to teach a child of his or her age.

(b) At least one (1) person qualified to conduct individual diagnostic examinations including administration of individual intelligence tests.

(c) Certified teacher of the learning disabled.

(d) Other individuals as needed; such as:

1. Speech and language pathologist;
2. Guidance counselors;
3. Remedial reading teacher; and/or
4. Physician.

(2) Assessment for identification and placement. The assessment for identification and placement shall consist of:

(a) The referring person's written assessment of the pupil's specific strengths and weaknesses in the academic and behavioral areas.

(b) Written behavioral observations. The behavior observations shall be a compilation of specific behavioral data collected over a period of time describing the behaviors of concern.

1. An evaluation team member other than the child's regular teacher shall observe the child's academic performance in the regular classroom setting.

2. In the case of a child of less than school age or out of school a team member shall observe the child in an environment appropriate for a child of that age.

(c) Formal and informal educational evaluation data composed of individual standardized and informal test(s) of basic skills and individual assessment in all areas of the students suspected disability as stated in Section 2 above.

(d) An individual measure of intelligence.

(e) An assessment of adaptive behavior including a developmental history.

(f) In cases where vision, hearing, or serious emotional disturbance is suspected to be the primary handicapping condition, a referral for appropriate assessments by qualified professional(s) shall be made.

Section 5.

Written report. The evaluation team shall prepare a written report of the results of the evaluation.

(1) The report shall include a statement of:

(a) Whether the child has a specific learning disability;

(b) The basis for making the determination;

(c) The relevant behavior noted during the observation of the child;

(d) The relationship of that behavior to the child's academic functioning;

(e) The educationally relevant medical findings, if any;

(f) Whether there is a severe discrepancy between achievement and ability which is not correctable without special education and related services; and

(g) The determination of the evaluation team concerning the effects of environmental, cultural, or economic disadvantage on the child's performance.

(2) Each evaluation team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the evaluation team member shall submit a separate statement presenting his or her conclusions.

Section 6.

Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

Section 7.

Placement. Placement in a program for children with specific learning disabilities shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

Section 8.

Classroom plan. Classroom programs for children with specific learning disabilities shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. The following types of classroom plans shall be utilized: resource, variation, and special class plan. An itinerant teacher shall not serve more than two (2) schools and shall operate as a resource plan.

Section 9.

Membership and age range. (1) Classroom membership and age range in programs for pupils with specific learning disabilities shall be:

Classroom Plan (Units)	Membership	Age Range
Resource Plan		
Primary through Intermediate	8 to 15	6 years
Junior through Senior High	8 to 20	6 years
Special Class Plan		
Primary through Intermediate	6 to 10	4 years
Junior through Senior High	6 to 15	4 years

(2) No more than eight (8) pupils, all within a four (4) year age span, may be in a resource room during any one (1) instructional period.

(3) Variations of the above shall be considered for approval upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to, the following:

(a) Age and grade level of the pupils;
(b) Physical condition of the pupils; and
(c) Support personnel.

March, 1981

KENTUCKY ADMINISTRATIVE REGULATIONS

707 KAR 1:057

PROGRAMS FOR MENTALLY HANDICAPPED CHILDREN

Section 1.

General provisions. Local school boards of education shall operate programs for mentally handicapped pupils of school attendance age pursuant to KRS 157.200 to 157.285, inclusive, and the criteria listed in this section.

Section 2.

Programs for educable mentally handicapped pupils shall be operated according to the following provisions:

(1) Eligibility criteria:

(a) An admissions and release committee shall determine that a child is educable mentally handicapped provided the following criteria are met:

1. The pupil meets the definition pursuant to KRS 157.200; and

2. The pupil obtains an intelligence quotient score between fifty (50) and seventy-five (75) on individual intelligence tests. Individual intelligence test scores shall not be the sole criterion for determination of placement, but shall be considered in conjunction with other evaluation information as set forth in subsection (3) of this section.

(b) Pupils who meet the above criteria shall be eligible for special education and related services.

(c) Pupils whose intelligence score is borderline may be eligible for special education and related services on a trial basis upon the recommendation of the appropriate admissions and release committee. "Borderline" shall be one (1) standard error of measurement above seventy-five (75) or below fifty (50) IQ points.

(2) Admissions and release committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of educable mentally handicapped children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed.

(3) Child evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The evaluation of pupils referred for identification and placement purposes shall consist of:

(a) The referring person's written account of the pupil's specific strengths and weaknesses in the academic and behavioral areas;

(b) A written account of a behavioral observation of the referred pupil in familiar surroundings (i.e., classroom, playground, etc.);

(c) Formal and informal educational evaluation data composed of individual and/or group standardized academic achievement tests and individual assessment of basic skills areas such as reading, math, and language;

(d) An assessment of adaptive behavior including a developmental history; and

(e) An individual intellectual assessment utilizing a recognized standardized measure.

(f) In cases where a visual, auditory or physical handicap or serious emotional disturbance is suspected to be a handicapping condition, a referral for appropriate assessment by qualified professional(s) shall be made.

(4) Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

(5) Placement. Pupil placement in a program for the educable mentally handicapped shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

(6) Classroom plan. Classroom plans shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Programs for educable mentally handicapped pupils may be established under one or more of the following classroom plans: special class, resource, and variation plan.

(7) Membership and age range:

(a) Classroom membership and age range in programs for educable mentally handicapped shall be:

Classroom Plan (Units)	Membership	Age Range
Special Class Plan	10 to 20	4 years
Resource Plan	10 to 20	6 years

(b) No more than ten (10) pupils, all within a four (4) year age span, may be in the resource room during any one (1) instructional period.

(c) Variations of the above shall be considered for approval upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to, the following:

1. Age and grade level of the pupils;

2. Physical condition of the pupils; and
3. Support personnel.

Section 3.

Programs for trainable mentally handicapped pupils shall be operated according to the following provisions:

(1) Eligibility criteria:

(a) An admissions and release committee shall determine that a child is trainable mentally handicapped provided the following criteria are met:

1. The pupil meets the definition pursuant to KRS 157.200; and

2. The pupil obtains an intelligence quotient score between thirty-five (35) and fifty (50) on individual intelligence tests. Individual intelligence test scores shall not be the sole criterion for determination of placement, but shall be considered in conjunction with other evaluation information as set forth in subsection (3) of this section.

(b) Pupils who meet the above criteria shall be eligible for special education and related services.

(2) Admissions and release committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of trainable mentally handicapped children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed.

(3) Child evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The evaluation of pupils referred for identification and placement purposes shall consist of:

(a) The referring person's written account of the pupil's specific strengths and weaknesses in the academic and behavioral areas;

(b) A written account of a behavioral observation of the referred pupil in familiar surroundings (e.g., classroom, playground, etc.);

(c) An individual assessment of basic skills areas such as reading, math, language, motor, social, and self-help skills;

(d) An assessment of adaptive behavior including a developmental history; and

(e) An individual intellectual assessment utilizing a recognized standardized measure.

(f) In cases where a visual, auditory or physical handicap or serious emotional disturbance is suspected to be a handicapping condition, a referral for appropriate assessments by qualified professional(s) shall be made.

(4) Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

(5) Placement. Pupil placement in a program for the trainable mentally handicapped shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

(6) Classroom plan. Classroom plans shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Programs for trainable mentally handicapped pupils shall be established under the special class or variation plan.

(7) Membership and age range.

(a) Classroom membership and age range in programs for trainable mentally handicapped shall be:

Classroom Plan (Units)	Membership	Age Range
Special Class Plan	5 to 12	6 years

(b) Variations of the above shall be considered for approval upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to, the following:

1. Age and grade level of the pupils;
2. Physical condition of the pupils; and
3. Support personnel.

Section 4.

Programs for severely and profoundly handicapped pupils shall be operated according to the following provisions:

(1) Eligibility criteria:

(a) An admissions and release committee shall determine that a child is severely and profoundly handicapped provided the following criteria are met:

1. There is evidence of primary disabilities that are cognitive (obtained intelligence quotient scores shall be below thirty-five (35)).

2. There may be evidence of behavioral, physical, and/or sensory handicaps.

(b) Pupil(s) who meet the above criteria shall be eligible for special education and related services.

(2) Admissions and release committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of severely and profoundly handicapped children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed.

(3) Child evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The evaluation of pupils referred for identification and placement purposes shall consist of:

(a) The referring person's written account of the pupil's specific strengths and weaknesses;

(b) A written account of a behavioral observation of the referred pupil in familiar surroundings (e.g., classroom, home, etc.);

(c) An individual assessment of basic skills areas including language, motor, social, self-help and cognitive skills;

(d) An assessment of adaptive behavior including a developmental history; and/or

(e) An individual intellectual assessment utilizing a recognized standardized measure.

(f) In cases where sensory or physical deficits or behavioral disorders are suspected to exist, a referral for appropriate assessments by qualified professional(s) shall be made.

(4) Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

(5) Placement. Placement shall be in programs for the severely and profoundly handicapped, trainable mentally handicapped or multiple handicapped as determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

(6) Classroom plan. Classroom plans shall operate pursuant to procedures as described in 707 KAR 1:051, Section 1. Programs for severely and profoundly handicapped pupils shall be established under the special class or variation plan.

(7) Membership and age range.

(a) Classroom membership and age range in programs for severely and profoundly handicapped shall be:

Classroom Plan (Units)	Membership	Age Range
Special Class Plan	3 to 8	6 years

(b) Variations of the above shall be considered for approval upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to, the following:

1. Age and functioning level of the pupils;
2. Physical condition of the pupils; and
3. Support personnel.

KENTUCKY ADMINISTRATIVE REGULATIONS

707 KAR 1:058

PROGRAMS FOR MULTIPLE HANDICAPPED CHILDREN

Section 1.

General provisions. Local school boards of education shall operate programs for multiple handicapped children of school attendance age pursuant to KRS 157.200 to 157.285, inclusive, and the criteria listed in this section.

Section 2.

Eligibility criteria. (1) An admissions and release committee shall determine that a child is multiple handicapped provided the following criteria are met:

(a) The pupil has a combination of two (2) or more impairments (such as mentally handicapped-blind, mentally handicapped-orthopedically impaired, etc.); and

(b) The combination produces such severe learning, developmental or behavioral problems that appropriate services cannot be provided in special education programs designed solely for children with one (1) impairment.

(2) Pupils who meet the above criteria shall be eligible for special education and related services.

Section 3.

Admissions and release committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of multiple handicapped children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed.

Section 4.

Child evaluation. Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. Evaluations shall include:

(1) A developmental and social history;

(2) A medical evaluation as appropriate;

(3) An individual intellectual assessment utilizing a recognized standardized measure.

(4) An individual educational assessment of basic skills (i.e., math, reading, language);

(5) Written behavioral observation; and

(6) Additional reports, information and assessments deemed necessary by the admissions and release committee for the appropriate placement of each child.

Section 5.

Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

Section 6.

Placement. Placement in a program for multiple handicapped children shall be determined by the appropriate admissions and release committee pursuant to procedures described in 707 KAR 1:051, Section 6.

Section 7.

Classroom plan. Programs for multiple handicapped pupils shall be established under the resource, special class or variation plan as described in 707 KAR 1:051, Section 1.

Section 8.

Membership and age range. (1) Classroom membership and age range in programs for multiple handicapped shall be:

Classroom Plan (Units)	Membership	Age Range
Special Class Plan	5 to 10	6 years
Resource Plan	5 to 10	6 years

687

(2) No more than seven (7) pupils may be in the resource room during any one (1) instructional period.

(3) Variations of the above shall be considered for approval upon submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to, the following:

(a) Age and grade level of the pupils;

(b) Physical condition of the pupils; and

(c) Support personnel.

March, 1981

KENTUCKY ADMINISTRATIVE REGULATIONS

707 KAR 1:059

PROGRAMS FOR VISUALLY HANDICAPPED CHILDREN

Section 1.

General provisions. Local school boards of education shall operate programs for visually handicapped children of school attendance age pursuant to KRS 157.200 to 157.285, inclusive, and the criteria in this section.

Section 2.

Eligibility criteria. (1) An admissions and release committee shall determine that a child is visually impaired provided the following criteria are met:

(a) The child has a visual acuity of 20/70 or less in the better eye after correction; and/or

(b) The child has a visual handicap(s) which, even with correction, adversely affect the child's educational performance. The term includes both partially seeing and blind children.

(2) A pupil who meets the above criteria shall be eligible for special education and related services.

Section 3.

Admissions and release committee. As required and provided in 707 KAR 1:051, Section 3, a committee process shall be followed for the identification, evaluation, and placement of visually handicapped children. The appropriate admissions and release committee shall assure that procedural safeguards as described in 707 KAR 1:051, Sections 9 and 10, and 707 KAR 1:060 shall be followed.

Section 4.

Child evaluation. (1) Appropriate child evaluation shall be assured by the appropriate admissions and release committee. Evaluation information shall be obtained pursuant to the requirements in 707 KAR 1:051, Section 4. The evaluation for identification and placement shall include:

689

(a) An eye examination report, completed and signed by a licensed eye specialist;

(b) Developmental and social history;

(c) An individual educational assessment of basic skills, (i.e., math, reading, language);

(d) A written behavior observation; and

(e) Any additional reports, information, and assessments that the admissions and release committee deems necessary for the placement of a child in an appropriate program.

(2) Cases in which retardation is suspected to be a handicapping condition, a referral for appropriate assessment by a qualified professional shall be made.

Section 5.

Individual education program (IEP). As required and provided in 707 KAR 1:051, Section 5, for each child identified, the appropriate admissions and release committee shall develop and assure the implementation and annual review of an individual education program.

Section 6.

Placement. Placement in a program for visually handicapped shall be determined by the appropriate admissions and release committee pursuant to procedures as described in 707 KAR 1:051, Section 6.

Section 7.

Classroom plan. Programs for visually handicapped pupils may be established under one or more of the following plans as described in 707 KAR 1:051, Section 1: special class, resource, and variation plan.

Section 8.

Membership and age range. (1) Classroom membership and age range in programs for visually handicapped shall be:

Classroom Plan (Units)	Membership	Age Range
Special Class Plan	5 to 10	6 years
Resource Plan	5 to 10	6 years
Resource Plan (Itinerant Teacher)	5 to 12	unlimited

(2) No more than seven (7) pupils, all within a four (4) year age span, may be in the resource room during any one (1) instructional period.

(3) Variations of the above shall be considered for approval upon the submission of written request and justification to the Bureau of Education for Exceptional Children. Factors for consideration of approval in determining pupil/teacher ratio and age range will include, but are not limited to, the following:

(a) Age and grade level of the pupils;
(b) Physical condition of the pupils; and
(c) Support personnel.

691

15. Louisana

BULLETIN 1706

REGULATIONS FOR IMPLEMENTATION OF THE EXCEPTIONAL CHILDREN'S ACT

(R.S. 17:1941 *et seq.*)

LOUISIANA'S LAW FOR EXCEPTIONAL STUDENTS

REVISED: JULY 1, 1983

OFFICE OF SPECIAL EDUCATIONAL SERVICES
IRENE M. NEWBY, ASSISTANT SUPERINTENDENT
FOR SPECIAL EDUCATIONAL SERVICES

PART 900. DEFINITIONS

§901. General

The terms defined in §902-999 of this Part are used throughout these Regulations. Unless expressly provided to the contrary, each term used in these Regulations shall have the meaning established by this Part.

§902. Abbreviations/Acronyms used in these Regulations:

DHHR - Department of Health and Human Resources

EHA - Part B of the Education of the Handicapped Act as amended by the Education for All Handicapped Children Act of 1975 (P.L. 94-142), 20 USC 1411-1420, and the Regulations issued by the U.S. Department of Education at 45 CFR 300b. 121a

FAPE - Free Appropriate Public Education

IEP - The Individualized Education Program required by §441 of these Regulations

LEA - Local Education Agency

LRE - Least Restrictive Environment

P.L. 89-313 - Section 121 of Title I of the Elementary and Secondary Education Act of 1965 which provides for financial assistance for state operated programs for handicapped children

P.L. 94-142 - Amendments to Part B of the Education of the Handicapped Act (as required by the Education for all Handicapped Children Act of 1975)

Section 504 - Section 504 of the Rehabilitation Act of 1973, 29 USC 706 and the Regulation issued by the U.S. Department of Education at 45 CFR 84

SSD#1 - Special School District Number One

§903. Abbreviated Terms

The Act - Sections 1941 through 1958 of Chapter 8 of Title 17 of Louisiana Statutes of 1950, as amended

The Department - The Louisiana Department of Education

The Department of Corrections - The Louisiana Department of Corrections

The Office - The Office of Special Educational Services of the Louisiana Department of Education

The State - The State of Louisiana

The State Board - The State Board of Elementary and Secondary Education

The State Board Special Schools - The Louisiana Special Education Center at Alexandria and the Northeast Louisiana Special Education Center; The Louisiana School for the Deaf; The Louisiana School for the Visually Impaired

The Superintendent - The Superintendent of Public Elementary and Secondary Education of the State of Louisiana

§904-909. Reserved.

§910. Adapted physical education is specially designed physical education for those exceptional students for whom significant deficits in the psychomotor domain have been identified according to Bulletin 1508, and who, if school aged, are unable to participate in regular physical education programs on a full-time basis.

§911. An adapted physical education class is an alternative setting for delivery of adapted physical education required by an IEP in which all of the following conditions exist:

1. Instruction is provided by a certified adapted physical education teacher. Consultative and evaluative services may be provided in addition to case loads indicated below.
2. Only exceptional children are enrolled whose need is documented in accordance with criteria for par-

ticipation in adapted physical education established by the Department.

3. Enrollment is in accordance with the pupil/teacher ratios listed in Appendix I, Part B.

4. In cases of mixed grouping, the lower caseload level as listed shall be used when the majority of the membership is in that lower caseload level. However, the instructional groups shall not be mixed by level of severity in the same class.

§912. Affected school personnel means individuals who are involved in the delivery of services relevant to the specific disagreement(s) which are the subject of the hearing. Such individuals may be called by parties to the hearing, the hearing officer, or they may exercise their rights under §511.E.

§913. Approved nonpublic school program means an educational program which is for exceptional children and is operated by a private person, agency, or organization. Such a program meets the educational standards established by the State Board.

§914. Audiological services mean:

1. The identification of children with hearing loss.

2. The determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing.

3. The provision of habilitative activities such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation.

4. The creation and administration of programs for prevention of hearing loss.

5. The counseling and guidance of pupils, parents, and teachers regarding hearing loss.

6. The determination of the child's needs for group and individual amplification, monitoring hearing aids and auditory training units, and evaluating of the effectiveness of amplification.

§915. Autism is a severe developmental disability which appears during the first three years of life and which is behaviorally defined to include disturbances in the rate of appearance and sequencing of developmental milestones, abnormal responses to sensations, delayed or absent speech and language (while specific thinking capabilities may be present), and abnormal ways of relating to people and things.

§916. Behavior disordered is a pattern of situationally inappropriate interpersonal or intrapersonal behavior which is exhibited over an extended period of time and to a significant degree, and which cannot be explained by intellectual, sensory, neurological, or general health factors. The term never includes children who are autistic; it may include children who are socially maladjusted if it is determined that they are also behavior disordered.

§917. Blind is a central visual acuity of 20/200 or less in the better eye with correction or a peripheral field of vision so contracted that its widest diameter is less than 20 degrees.

§918. Calendar days means all days of the week, including weekends and holidays.

§919. Certified IEP time unit means that specific period of time set aside for special education and related services under an approved individualized education program.

§920. Child search coordinator means the school system employee meeting the certification requirements who is responsible for the child search and child identification activities including that of locating the child.

§921. Combination self-contained and resource classroom is an alternative setting in which the same teacher provides special education instruction for students receiving self-contained services (more than three hours per day) and for students receiving resource services (three hours or less per day).

1. This option is limited to use with students classified as hearing impaired or visually impaired or severe language disordered or those students who may be served in a generic mild/moderate classroom.

2. Instruction must be provided by a teacher certified in accordance with Bulletin 746 and/or other Department policy interpretation regarding certification.

3. The pupil/teacher ratio is bound by the ratios specified in Appendix I, Part B., I.C.

4. Instruction is provided for not more than 12 exceptional children for any one hour of certified IEP time units.

§922. Counseling services means services provided by qualified social workers, psychologists, guidance counselors, or otherwise qualified personnel.

§923. Deaf is a severe hearing impairment with an unaided pure tone average of 500, 1000, 2000 Hz in the better ear of 70db (ANSI) or more and which results in a deficit in processing linguistic information through hearing, with or without amplification.

§924. Deaf-blind is concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that these pupils cannot be accommodated in special education programs solely for deaf or for blind children.

§925. Educationally handicapped (slow learning) is a rate of acquisition and/or degree of retention of information or educational skills significantly slower than the rate expected for children of the same age. This definition applies only to those students classified as educationally handicapped/slow learner prior to July 28, 1983.

§926. Education records means those records that are directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution. The term does not include those educational records listed in 45 CFR 99.3.

COMMENT: The definition at 99.3 has an extensive list of what is not included in educational records. The reader is referred to 45 CFR 99.3 for the full text.

§927. Emotionally disturbed is a serious pattern of behavior which enables a child to be classified as behavior disordered and which is so severe as to require special education services for the full school day or longer and for which extended individual therapy/counseling or other related services are needed. The term includes children who are schizophrenic.

§928. Evaluation coordinator is the pupil appraisal person who, in addition to serving as an examiner in the individual evaluation, is assigned the responsibilities described in §433 for a particular child.

§929. Exceptional child is a child who is evaluated in accordance with §430-436 of these Regulations and is determined according to Bulletin 1508 to have an exceptionality which adversely affects educational performance to the extent that special education is needed.

§930. Exceptionality is any one of the characteristic impairments or conditions, as defined in Bulletin 1508, which adversely affect the child's educational performance to the extent that the child needs special education.

§931. Generic Class is an instructional setting (self-contained resource) is which--

1. In accordance with the degree of impairment, exceptional children may be placed as follows:
    a. Mild/moderate class consisting of mildly to moderately impaired who are mentally retarded, learning disabled, behaviorally disordered (exluding students whose impairment is emotionally disturbed), orthopedically handicapped, other health impaired, or educationally handicapped/slow learner.
    b. Severe/profound class consisting of moderately, severely to profoundly impaired who are mentally retarded, multihandicapped, or deaf/blind.
2. The instruction is provided by a special education teacher with appropriate certification as specified in Bulletin 746.
3. The pupil/teacher ratios established in Appendix 1, Part B, A or B are used.
4. The generic class meets the other requirements of the categorical self-contained, resource, or itinerant class.

§932. Gifted is possession of demonstrated abilities that give evidence of high performance in academic and intellectual aptitudes.

§933. Handicapped child means an exceptional child whose only exceptionality is not gifted or talented.

§934. Handicapped infant is an exceptionally in which children from birth to three years of age are identified as having a serious handicapping condition which, without intervention, will become progressively more difficult for intervention at school age.

§935. Hard of hearing is a hearing loss, either permanent or fluctuating, ranging from mild to severe unaided, (pure tone average of 500, 1000, 2000, Hz, between 25 and 70 decibels ANSI, in the better ear) which does not significantly impede the learning of speech and language through normal channels.

§936. Hearing impaired is a hearing loss which adversely affects a child's educational performance. The term "hearing impaired" includes both deaf and hard-of-hearing children.

§937. Hospital/Homebound (setting) is an alternative setting for the provision of special education according to an IEP by a certified teacher in the student's home environment or in a hospital in which both of the following conditions exist: 1) the student must be enrolled in special education, and 2) the student is not able to be moved from the hospital or home environment as a result of physical illness, accident or the treatment thereof, or as a result of disciplinary action taken consistent with §459.

§938. Hospital or homebound is an exceptionality for a student enrolled in regular education who, as a result of physical illness, accident, or the treatment thereof, is not able to be moved from the hospital or home environment for the provision of regular educational services.

§939. Include means that the items named are not all of the possible items that are covered, whether like or unlike the one named.

§940. Interagency agreement means an operational statement between two or more parties or agencies that describes a course of action to which the agencies are committed. The statement is drawn up to be consistent with the mandatory provision of Part 800 of these Regulations.

§941. Interpreter services means the facilitation of communication within an instructional environment via an enhanced visual and/or tactile mode between and among hearing impaired and hearing individuals in situations in which those individuals are unable to communicate with one another using a speech and hearing mode.

§942. Itinerant resource room program is a type of alternative setting for the provision of special education and related services for no less than two and one-half hours per week, not less frequently than twice a week, in which all of the following exist:

1. Special education and related services are provided at more than one approved preschool, elementary, or secondary school. One school must be designated as the homebase school for the teacher.

2. The pupil/teacher ratios established in Appendix I, Part B, are used.

3. Instruction is provided for not more than 12 exceptional students for any one hour of certified IEP time units.

4. Special education is provided by a special education teacher certified generically or in the area of exceptinality for which special education is provided.

§943. Learning disabled is severe and unique learning problems as a result of significant difficulties in the acquisition, organization, or expression of specific academic skills or concepts. These learning problems are typically manifested in school functioning as significantly poor performance in such areas as reading, writing, spelling, arithmetic reasoning or calculation, oral expression or comprehension, or the acquisition of basic concepts.

The term includes such conditions as attentional deficit, perceptual handicaps or process disorders, minimal brain dysfunction, dyslexia, developmental aphasia, or sensorimotor dysfunction, when consistent with these criteria.

The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicap; of mental retardation; of a behavior disorder; or of environmental, cultural, educational, or economic disadvantage.

§944. Least restrictive environment means the educational placement of an exceptional child in a manner consistent with the Least Restrictive Environment Rules in §448.

§945. Mentally retarded is significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

§946. Multihandicapped is concomitant impairments (such as mentally retarded-blind; mentally retarded-orthopedically impaired), the combination of which causes such severe educational problems that these pupils cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children.

§947. Native language when used with reference to a person of limited English speaking ability, means the language normally used by that person, or in the case of a child, the language normally used by parents of the child.

§948. Noncategorical preschool handicapped is an exceptionality in which children ages 3 to 5, but not enrolled in a State approved kindergarten, are identified as having a handicapping condition which is described, according to functional and/or developmental levels, as mild/moderate or severe/profound.

COMMENT: Children who exhibit a severe sensorial impairment, severe physical impairment, or who are suspected of being autistic, severe language disordered, gifted or talented shall be identified categorically. Children who exhibit a suspected speech impairment (articulation, language, fluency, or voice) shall be determined eligible for services according to the Criteria for Eligibility for speech impaired as specified in Bulletin 1508. However, if eligible, these speech impaired children shall be classified as noncategorical preschool handicapped.

§949. Occupational therapy means:

1. Improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation.
2. Improving ability to perform tasks for independent functioning when functions are impaired or lost.
3. Preventing, through early intervention, initial or further impairment or loss of function.

§950. Operational day means any day on which the Louisiana Department of Education is open for the conduct of public business. However, if the central office of the school system is officially closed and the Department is open, that day does not count in the calculation of the timelines for that particular school system as mandated in these Regulations.

§951. Orientation and mobility training means a program for students with a visual impairment for the purpose of using the senses in determining position in relationship to surroundings and moving from a fixed position to a desired position within the environment.

§952. Orthopedically handicapped is a severe orthopedic handicap which adversely affects a child's educational performance. The term includes handicaps caused by congenital anomaly (e.g., clubfoot, absence of some member); impairments caused by disease (e.g., poliomyelitis, bone tuberculosis); and handicaps from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).

§953. Other health impaired is limited strength, vitality, or alertness, due to chronic or acute health problems including a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes.

§954. Paraprofessional is a person at least 18 years of age, who possesses a certificate of good health signed by a physician, possesses an appropriate permit, and who assists in the delivery of special educational services under the supervision of a special education teacher or other professional who has the responsibility for the delivery of services to exceptional children.

§955. Paraprofessional training unit is a setting that may be used for the self-help training (toilet training, dressing skills, grooming skills, feeding skills, and preacademic readiness activities) of severely and profoundly handicapped children or preschool children. A school-aged unit may be made up of no more than six paraprofessionals. A preschool unit may be made up of no more than four paraprofessionals. All units must be supervised directly by a certified special education teacher. Each paraprofessional must have a full quota of students (three) before an additional paraprofessional can be added to the unit. A paraprofessional training unit must be approved by the Office for the Department in accordance with operational standards established by the State Board.

§956. Parent means a natural parent; a legal guardian; a person acting as a parent of a child (this includes relatives of the child or private individuals allowed to act with the explicit or tacit approval of the child's natural parent or guardian); or a surrogate parent who has been appointed in accordance with §507. The rights and responsibilities of a parent established by these Regulations shall be exercised directly by an exceptional child who attains the age of 18 years unless such child has been iterdicted or determined to be in continuing minority by a court order of the State of Louisiana.

§957. Parent counseling and training means assisting parents in understanding the special needs of their child and providing parents with information about child development.

§958. Parish supervisor means the supervisor of special education employed by every city/parish school system as required by §488 of these Regulations. In addition, it includes the superintendent of a State Board school and the superintendent of SSD#1.

§959. Partially seeing is possessing a central visual acuity no greater than 20/70 in the better eye with the best possible correction.

§960. Personally identifiable means that the data or information includes:

(a) the name of a student, the student's parent, or other family member;

(b) the address of the student;

(c) a personal identifier, such as the student's social security number or student number;

(d) a list of personal characteristics which would make the identity easily traceable; or

(e) other information which would make the student's identity easily traceable.

§961. Physical education means the development of physical and motor fitness; fundamental motor skills and patterns; and skills in aquatics, dance, and individual or group games or sports. The term physical education includes regular physical education, modification in the regular physical education program to accommodate the LRE needs of exceptional students, and adapted physical education for handicapped students identified as being in need of such according to §910 above. Physical education other than adapted physical education shall be provided by a special education teacher, a regular education teacher, or a physical education teacher, consistent with the school system policy for providing physical education to nonexceptional students.

§962. Physical therapy is:

1. Evaluating handicapped students by performing and interpreting tests and measurements of neuromuscular, musculoskeletal, cardiovascular, respiratory, and sensorimotor functions.

2. Planning and implementing treatment strategies for students based on evaluation findings.

3. Maintaining the motor functions of a child to enable him to function in his educational environment.

4. Administering and supervising therapeutic management of handicapped students and providing inservice education to parents and educational personnel.

§963. Placed in an approved nonpublic school program means a direct educational placement in an alternative setting operated by an approved nonpublic school program; suggested placement by counseling of an exceptional child or parent of an exceptional child to an approved nonpublic school program; or an enrollment in an approved nonpublic school program which occurs after a failure by a school system, after a determination that the child is an exceptional child by the school system, to give parents full and effective notice of the obligation and willingness of the school system to provide the child with a free, appropriate public education.

§964. Preschool Intervention Settings

1. School Based Training. Intervention in the school based setting is a situation in which the preschool exceptional child (ages birth through five years) is served in a classroom for either a half-day program (minimum of two and one half hours per day) or in a full-day program (minimum of five hours per day). The classroom teacher must be certified in noncategorical preschool or in the area of exceptionality served if the class is categorical. The pupil/teacher ratio established in Appendix I, Part B, is used.

2. Parent/Child Training. Intervention via the parent or parent and child training is a situation in which the parent or the parent and child receive educational services from a certified teacher of noncategorical preschool or from a teacher certified in the area of exceptionality if the child is identified categorically. Services are provided through one of the following options:

    a. Intervention in the home for parent and child, minimum of one and one-half hours per week, or

    b. Intervention at a school or center for parents or parent and child, minimum of one and one-half hours per week.

§965. Psychiatrist means a physician who is licensed to practice medicine and who is certified by the American Board of Psychiatry or who has completed an approved residency in psychiatry and is eligible to apply for board certification.

§966. Psychological services means:

1. Administering psychological and educational tests and other assessment procedures.
2. Interpreting assessment results.
3. Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning.
4. Consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations.
5. Planning and managing a program of psychological services, including psychological counseling for children and parents.

§967. Pupil appraisal personnel means professional personnel who meet the certification requirements for school personnel for such positions and who are responsible for delivery of pupil appraisal services included in §410-436 in these Regulations.

§968. Reasonable, when used in regard to time, means a period not to exceed 30 to 45 operational days unless specifically indicated otherwise in these Regulations.

§969. Regular class with supplemental services is an alternative special education setting for eligible exceptional students in which instruction is provided by the regular classroom teacher and in which:

1. supplemental services, such as teacher consultation, interpreter or tutor services, or specialized or adaptive equipment, are provided in the regular classroom; and
2. the supplemental services, and any needed related services, are provided in accordance with an IEP/Placement document.

§970. Related services means transportation and such developmental, corrective, and other supportive services as are required to assist an exceptional child to benefit from special education. Related services include speech hearing/language services and audiological services, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, interpreter services, orientation and mobility training, and medical services for diagnostic or evaluative purposes. The term also includes school health services, social work services in schools, and parental counseling and training.

§971. A resource center for gifted or talented is a type of instructional setting, designed or located at one school, that provides instructional services to gifted or talented students from two or more schools and in which:

1. Special education is provided by an individual certified in accordance with Bulletin 746.
2. The pupil/teacher ratios established in Appendix I, Part B, are used.
3. Instructional time is not less than two and one-half hours per week.

§972. A resource room is a type of alternative setting for special education and related services designed or adapted as a location where exceptional children may receive all or a part of the special education required by their IEP, and in which all of the following exist:

1. The pupil/teacher ratios established in Appendix I, Part B, are used.
2. No child who is not an exceptional child is enrolled.
3. Instruction is provided for not more than 12 exceptional children for any one hour of certified IEP time units.
4. Special education is provided by a teacher certified generically or in the area of exceptionality for which special education is provided.
5. No child shall be enrolled for less than one-half hour nor more than three hours of certified IEP time units per day.

§973. School health services means services provided by a qualified school nurse or other qualified person.

§974. School system means:

1. City/parish school system.

2. SSD#1.

3. A State Board Special School.

§975. Self-contained departmentalized is a special education class which meets the definition of self-contained with the exclusion of the single teacher requirement. The total number of exceptional children for whom a teacher provides instruction is limited to five times the mid-point of the range for that exceptionality and is not to exceed the maximum for that exceptionality at any given period.

§976. A self-contained special education class is a type of alternative setting in which the same teacher provides special education instruction for an approved group (the size of which must be consistent with the pupil/-teacher ratio approved by the State Board for the type of exceptionality) and:

1. In which instruction is provided for each exceptional student for more than three hours per day when the balance of the school day is in regular class placement.

2. A child may be released during the school day to receive related services, adapted physical education, or speech therapy consistent with the child's IEP.

3. Special education is provided by a teacher certified generically or in the area of exceptionality served.

§977. Severe language disordered is a type of communication impairment resulting from any physical or psychological condition which seriously interferes with the development, formation, and expression of language and which adversely affects the educational performance of the student.

COMMENT: This category does not include students whose communication impairment is primarily due to mental retardation, autism, or a hearing impairment.

§978. Significant change in educational placement is defined as one which consists of moving from one alternative setting to another that is more restrictive and/or transfers of jurisdiction (referrals).

§979. Significant loss is a regression in a skill and a rate or reacquisition of the skill which, when compared with the initial rate of acquisition or regression and reacquisition rates of normal students, indicates that the attainment of the long range educational goals of a child will be impossible.

§980. Social and social work services means preparing a social or developmental history on an exceptional child; group and individual counseling with the child and family; working with those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school; and mobilizing school and community resources to enable the child to derive maximal benefit from his or her educational program.

§981. Special education shall be any program of instruction within the preschool, elementary, and secondary school structure of the State, specifically designed by providing for different learning styles of exceptional children. This instruction shall be in alternative educational settings (§448) which meet the standards of the State Board, are approved by the Department, and implemented according to an Individualized Education Program.

§982. Speech impaired is a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment which adversely affects a child's educational performance.

§983. Speech hearing/language services means identification of children with speech or language disorders; diagnosis and appraisal of specific speech or language disorders; referral for medical or other professional attention necessary for the habilitation of speech or language disorders; provisions of speech and language services for the habilitation of communication or prevention of communication disorders; and counseling and guidance of parents, children, and teachers regarding speech and language disorders.

§984. Speech therapy program is a service delivery pattern in which exceptional children receive not less than one hour per week of certified IEP time of speech/-hearing/language intervention services when the speech disorder is evaluated according to Bulletin 1508.

§985. Talented is possession of demonstrated abilities that give evidence of high performance in visual and/or performing arts.

§986. Transportation is all travel necessary to implement each service written in the IEP of an exceptional child and includes:

1. Travel to and from school and between schools.
2. Travel in and around school buildings.
3. Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a handicapped child.

§987. Visually handicapped is a visual impairment which, even with correction, adversely affects a child's educational performance. The term visually handicapped includes both blind and partially seeing children.

§988. Vocational education means organized educational programs directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

§989. Voluntarily enrolled nonpublic school child means an exceptional child, or a child suspected of being an exceptional child, who is enrolled in an approved nonpublic school program at the choice of his or her parent(s) after the parent(s) have been provided full and effective notice by a school board of its obligation and willingness to provide a free, appropriate public education.

§990-999. Reserved.

PART A. STATE EQUALIZATION FUND MINIMUM FOUNDATION PROGRAM RULES FOR INCLUSION OF SPECIAL EDUCATION

1. Allowable Cost of Regular Education Personnel

   a. In administering the State Equalization Fund Minimum Foundation Program for Public Education, the Department shall allow the inclusion of an exceptional child in the population used to determine the number of regular classroom teachers pursuant to pupil/teacher ratios established by the Department if the exceptional child is receiving not less than one hour per day of instruction in the regular classroom as indicated on the IEP.

   b. Inclusion of an exceptional child in the regular classroom membership as described in A above shall not limit the ability of a city/parish school system or Special School District Number 1 to also include the same child in the population used to calculate the allowable costs of special education personnel providing special education services to the child.

2. Allowable Cost of Special Education Personnel

   a. In administering the State Equalization Minimum Foundation Program for Public Education, the Department, in accordance with Louisiana Teacher's Minimum Salary Schedule for teachers and therapists, salary schedules for pupil appraisal personnel, and per individual amounts for special education personnel such as teacher aides or bus attendants, shall only allow the inclusion in the cost program of a city/parish school system requesting funds under the program of:

      (1) The salary of a certified special education teacher, speech therapist, or teacher aide who is engaged exclusively in the teaching of exceptional children in eligible membership (as defined in subpart 3 of this Part) consistent with the bona fide multiple enrollment requirements of subpart 4 of this Part.

      (2) The salary of certified pupil appraisal personnel who are engaged exclusively in pupil appraisal activities pursuant to Part 400 of these Regulations.

      (3) The salary of a bus attendant.

PART B. PUPIL/TEACHER, PUPIL/SPEECH THERAPIST, AND TEACHER/TEACHER AIDE ALLOTMENTS AND RATIOS UNDER THE STATE EQUALIZATION FUND MINIMUM FOUNDATION PROGRAM FOR PUBLIC EDUCATION

I. Numbers of pupils enrolled in an eligible membership which justify the inclusion of the salary of a teacher providing instructional services.

A. Self-contained classroom

		** Para Units	* Pre-School	Elem.	Sec.
1.	Autistic Pupils		2-4	2-4	2-4
2.	Behavioral Disorders			4-9	4-9
3.	Blind		4-7	4-9	4-9
4.	Deaf		4-7	4-9	4-9
5.	Deaf-Blind	**	2-4	2-4	2-4
6.	Educationally Handicapped/ Slow Learner Pupils			12-25	12-25
7.	Emotionally Disturbed Pupils			4-7	4-7
8.	Gifted			12-25	12-27
	a. Full day		10-19		
	b. Half day		12-23		
9.	Hard-of-Hearing	**	6-11	8-15	8-17
10.	Learning Disabled Pupils			7-13	8-15
11.	Mentally Retarded Pupils				
	a. Mild			8-17	8-17
	b. Moderate			6-11	8-17
	c. Severe	**		4-9	4-9
	d. Profound	**		4-9	4-9
12.	Mild/Moderate (Generic)			7-16	7-16
13.	Multi-Handicapped	**	4-7	4-9	4-9
14.	Noncategorical Preschool	**			
	a. Mild/Moderate Functioning				
	1. Full day		6-11		
	2. Half day		8-16		
	b. Severe/Profound Functioning				
	1. Full day		4-7		
	2. Half day		8-14		
15.	Other Health Impaired			8-17	8-17
16.	Orthopedically Handicapped	**	4-7	6-11	7-13
17.	Partially Sighted	**	6-11	8-15	8-17
18.	Severe Language Disordered		4-7	4-9	4-9
19.	Severe/Profound (Generic)	**		4-9	4-9
20.	Talented			12-25	12-27

*Half-day Categorical Preschool Class: The pupil/teacher ratio for all half-day categorical preschool classes, excluding gifted, is 8-16.

**Paraprofessional Training Units

Preschool-Aged Children: One teacher and two paraprofessionals for the initial six preschool children, provided that after the initial six there shall be one additional paraprofessional allotted for any additional group of three not to exceed two additional groups of such children (maximum of four paraprofessionals per unit).

School-Aged Children: One teacher and two paraprofessionals for the initial six severely or profoundly handicapped children, provided that after the initial six there shall be one additional paraprofessional allotted for any additional group of three, not to exceed four additional groups of such children (maximum of six paraprofessionals per unit).

B. Resource Room (Generic or Categorical) and Itinerant Instruction Programs (per teacher)

1. Pupils with these impairments (Deaf, Emotionally Disturbed, Hard-of-Hearing, Blind, Partially Sighted, and Deaf-Blind)	5-10
2. All other handicapped pupils	12-27
3. Gifted or talented pupils	12-30

Comment: Because of the travel requirements of the program, this range may be reduced by the school system to 10-19 when instruction is provided to "all other handicapped students" and "gifted or talented pupils" in at least two different schools.

C. Combination Self-contained and Resource Classrooms

1. Mild/Moderate (Generic)	8-20
2. Hearing Impaired (Deaf and Hard of Hearing)	4-12
3. Visually Impaired (Blind and Partially Sighted)	4-12
4. Severe Language Disordered	4-12

D. Gifted or Talented Resource Center	24-55
E. Hospital/Homebound Instruction (per teacher)	5-10

F. Preschool Intervention Settings (Parent/Child Training)

1. Intervention in the Home	5-15
2. Intervention in a School or Center	10-19

G. Adapted Physical Education Instruction (per teacher)

1. Severe motor deficits	10-30
2. Mild/moderate motor deficits	20-60

3. In cases of mixed grouping of 1 and 2 above, the level of the majority of the students shall be used for calculating the caseload.

II. Teacher Aides

A. The salary of one teacher aide may be included for each teacher justified under I-A above.

B. The salary of one teacher aide may be included for each teacher justified under I-C above, provided there is a minimum of eight students receiving self-contained services in the mild/moderate combination class or a minimum of four students receiving self-contained services in the hearing impaired, visually impaired, or severe language disordered combination class.

III. Speech therapists shall be allotted to school systems at the rate of one for each 30 (or major fraction thereof) students receiving speech therapy.

In determining the number of pupils that justify the inclusion of the salary of a speech therapist in the State Equalization Fund Minimum Foundation Program for Public Education, the criteria specified in Bulletin 1508 shall be used.

Each student shall receive speech therapy as specified in §984.

Each speech therapist shall be assigned a minimum of one student in speech therapy and shall not be assigned more than 79 points.

Each hour per week of pupil appraisal assessment services and/or supervision of speech therapists who hold restricted license shall equal one point for the purpose of determining the caseload. Assignment of these activities shall be made by the parish supervisor.

The caseload shall be determined according to the following:

Service Type	Number of points Determining Caseload
Each hour of assessment	1
Each hour of supervision	1
Each student receiving speech therapy	1

16. Maine

Maine

MAINE'S SPECIAL EDUCATION REGULATIONS

05- DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES

071 EDUCATION

Part 6. BUREAU OF INSTRUCTION

Chapter 101. SPECIAL EDUCATION REGULATIONS

SUMMARY: This chapter contains the rules relating to the provision of free appropriate public education to all exceptional children between the ages of 5 and 20 in the State of Maine.

1. Policy and Purpose

A.
Educational placement

As described in 101.16(A)(3), Opportunity to question, the parents or legal guardian of an exceptional child may question any matter, decision or recommendation relating to the identification, evaluation and/or educational placement of the child.

B.
Placement justification

Completion of an Individual Education Program (I.E.P.) for an exceptional child, as described in 101.9(A), Individual Education Program et seq., will be used to justify the recommended placement as required by the policy of the least restrictive educational alternative.

C.
Placement approval

Approval of an administrative unit's special education program through the use of the EF-S-02 reporting form (101.10(A), Local program approval), approval of its plan of services to exceptional children through the program review and technical assistance process (101.12(A), Program Review et seq.), and approval of individual tuition placement requests using the EF-S-01 reporting forms (101.3(H), Conditions for approval), will constitute the approval of the recommended placement as required by the policy of the least restrictive educational alternative (§3121.2 Law).

6. Definitions

A.
Handicapping conditions

Following are brief descriptions of the handicapping conditions that may require the provision of special education services.

B.
Vision

Vision - The child's impairment is such that, after the best possible correction, a limitation of vision is left requiring special education services and/or materials to provide for the child's educational progress and potential.

C.
Audition

Audition - The child's impairment is such that a program of auditory enrichment and/or a specialized education is required to provide for the child's educational progress and potential.

D.
Speech and Language Functions

Speech and Language Functions - The child exhibits impairment in speech and/or language such as impaired articulation, stuttering, voice impairment, or a receptive or expressive verbal language handicap that is adversely affecting the child's educational progress and potential.

E.
Specific Learning Functions

Specific Learning Functions - The child exhibits a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. (Formerly "Cerebral or Perceptual Functions")

F.
Physical Mobility Functions

Physical Mobility Functions - The child exhibits a physical or health impairment, temporary or permanent, that interferes with learning and that requires adaptation of the school's physical facilities to provide for the child's educational progress and potential.

G.
Behavior

Behavior - The child exhibits affective, reactive and/or maladaptive behavior(s) to a marked extent and over a significant part of the school day or year, that significantly interferes with the child's learning or that of other children; specialized education programs and/or services are required to provide for the child's educational progress and potential.

H.
Mental Development or Maturation

Mental Development or Maturation - The child's development in general mental and/or physical capacity, self-care abilities, and academic achievement are markedly delayed and such delays are not solely the result of environmental circumstances; specialized education programs and/or services are required to provide for the child's educational progress and potential.

I.
Other Health Functions

Other Health Functions - The child exhibits limited strength, vitality or alertness due to chronic or acute health problems (such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia or diabetes) which adversely affects the child's educational progress and potential.

(continued)

J.

Pregnancies and temporary traumatic injuries

Pregnancy is considered a category of Other Health Functions. Appropriate special education and/or supportive assistance - such as hospital or homebound instruction - may be provided to pregnant students on a reimbursable basis if recommended by the Pupil Evaluation Team and approved by the superintendent.

Temporary traumatic injuries - such as fractures resulting from athletic competition or recreational activities - may require special education and/or supportive assistance such as hospital or homebound instruction. These may be provided on a reimbursable basis, under the category of physical mobility functions, if recommended by the Pupil Evaluation Team and approved by the superintendent.

In both cases of pregnancy and temporary traumatic injuries, if it is estimated that the special education or supportive assistance will be required for 60 calendar days or less, no Individual Education Program need be written, although all other Pupil Evaluation Team procedures, records, and notifications must be completed.

If, due to unforeseen factors, the period of service exceeds 60 calendar days, an I.E.P. shall immediately be written, containing information on the services already provided and their continuation.

Particular care shall be exercised by Pupil Evaluation Team members in dealing with pregnant students to safeguard the students' rights of privacy and confidentiality. Such cases, particularly if an I.E.P. is not required, shall be handled as expeditiously as possible after referral.

K.

Supportive assistance

Supportive services are defined as special education services and related activities, including transportation services, provided by appropriately certified or licensed professional or support persons, the cost of which are included in special education or transportation costs when computing the State and local allocation.

10. Methods of Providing Programs

A.
Local program approval (EF-S-02)

Approval of local programs shall be accomplished, in part, by the submission at the start of each fiscal year of the data required for completion of the Special Education Program Report Form EF-S-02. This form shall be mailed by the Department to each administrative unit annually. If no further information is requested by the Department or no concerns are expressed, the projected program or program components covered by the form will be approved for operational purposes.

NOTE: See also 101.12(A), Program review, relating to the review and approval of local plans for services to exceptional children through the program review and technical assistance process.

B.
Resource program

A resource program is a special education program in which mildly to moderately handicapped children receive less than half of their academic and behavioral instruction from a teacher who is certified in one or more special education teaching areas. If the number of students requiring resource program services is such that a program serves only a single handicapping condition (such as Audition, Mental Development, Behavior, etc.), the resource program teacher shall be certified in that special education teaching area.

C.
Self-contained rogram

A self-contained program is a special education program in which moderately to severely handicapped children receive a majority of their academic and behavioral instruction from a teacher who is certified in the special education teaching area for which the program is designed.

D.
Composite programs

When the number of students requiring self-contained or resource programs is sufficient for separate activities, a composite program shall not be used. If the number of students requiring self-contained and resource programs is insufficient for separate activities, a composite program may be appropriate. If both programs are combined, the teacher's certification shall be in the special education teaching area of those students involved in self-contained program activities.

E.
Resource program ratio

The ratio for students, or a caseload, to a professional providing a resource program or services shall not exceed a total of 35 to 1, with no more than 8 to 1 being served at any one time, except in the areas of Audition or Speech and Language Functions, where the caseload ratio shall not exceed 50 to 1.

During the time that a teacher aide, teacher assistant, or teacher associate works in the same building and under the direct supervision of the certified special education teacher providing the resource program services, thirteen (13) students may be served, but the total caseload ratio shall not change.

A professional providing resource program services may provide supervision to a teacher aide, teacher assistant, or teacher associate working in the same building with some of the professional's caseload. Such supervision shall not be considered to exist if the professional is in another building during the time that the aide, assistant or associate is working with the students. Such aide, assistant or associate shall not work with more than five (5) students at any one time.

F.
Self-contained program ratio

The following teacher-student ratios shall not be exceeded for self-contained programs. The figures in parentheses represent the number of additional students who can be included in a self-contained program during the time that a teacher aide, teacher assistant or teacher associate works in the same room and under the direct supervision of the certified special education teacher.

Area of Program	Primary Level Ages 5-9	Intermediate Level Ages 10-14	Advanced Level Ages 15-20
Mental Development/ Maturation			
Mildly-to-Moderately Delayed	12:1 (+5)	12:1 (+5)	12:1 (+5)
Moderately-to-Severely Delayed	6:1 (+5)	8:1 (+5)	10:1 (+5)
Severely-to-Profoundly Delayed	5:1 (+4)	5:1 (+4)	5:1 (+4)
Behavioral	8:1 (+3)	8:1 (+3)	8:1 (+3)
Audition, Speech & Language	5:1 (+3)	8:1 (+4)	8:1 (+4)
Specific Learning Functions	8:1 (+4)	10:1 (+5)	10:1 (+5)
Other Physical Mobility	6:1 (+4)	6:1 (+4)	6:1 (+4)
Other Health Impaired	To be determined by the Pupil Evaluation Team.		

G.
Composite program ratio

The ratio for students, or a caseload, to a professional providing a composite program or services shall not exceed 15-1, with no more than 6 to 1 being served at any one time.

During the time that a teacher aide, teacher assistant, or teacher associate works in the same room and under the direct supervision of the certified special education teacher providing the composite program services, eleven (11) students may be served, but the total caseload ratio shall not change.

H.
Exceptions

Any exceptions greater than than these teacher-student or caseload ratios or to the provision of supervision must be requested and approved in advance by the Commissioner.

I.
Use of teacher aides, assistants or associates

Any special education services provided to an exceptional student as a part of a school's special education resource, self-contained or composite program shall be considered a part of that program and must be provided by an appropriately certified special education teacher or by an appropriately registered teacher aide, assistant or associate working under the direct supervision of a certified special education teacher. See Resource program ratio, Self-contained program ratio, and Composite program ratio, above, for further information on supervision.

J.
Hospital/home-ound instruction

Any instruction offered to an exceptional student in a hospital or home situation must be provided by an appropriately certified special education teacher, or by a certified regular teacher, or by a subsitute teacher for that administrative unit

(continued)

17. Maryland

MARYLAND

MARYLAND

Programs for Handicapped Children

COMAR

13A.05.01

The Maryland State Board of Education
May 19, 1978

MARYLAND STATE BOARD OF EDUCATION

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Title 13A
STATE BOARD OF EDUCATION

Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

Chapter 01 Programs for Handicapped Children

Authority: Education Article, §§4-112, 8-301, 8-302, 8-411, 8-412, 8-413, and 8-415, Annotated Code of Maryland

.01 Commitment.

In accordance with Education Article, Title 8, Subtitle 4, Annotated Code of Maryland, State and local education agencies shall provide free and appropriate educational programs and related services for all handicapped children, from birth through the age of 20, who are found to be in need of special educational services. These appropriate services are to begin as soon as the child can benefit from them, provided services for children under the age of 5 shall be phased in as required by law.

.02 Definitions.

A. "Handicapped Children".

(1) "Handicapped children" means those children who have been determined through appropriate assessment (see Regulation .05C) as having temporary or long-term special educational needs arising from cognitive, emotional, or physical factors, or any combination of these. Their ability to meet general educational objectives is impaired to a degree whereby the services available in the general education program are inadequate in preparing them to achieve their educational potential.

(2) "Handicapped children", as referred to above, includes those children who have been described as follows:

(a) "Deaf" means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

(b) "Deaf-blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that the children cannot be accommodated in special education programs solely for deaf or blind children.

(c) "Hard of hearing" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition of "deaf" in this section.

(d) "Mentally retarded" means significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance.

(e) "Multi-handicapped" means concomitant impairments (such as mentally retarded-blind, mentally retarded-orthopedically impaired, etc.), the combination of which causes such severe educational problems that the children cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children.

(f) "Orthopedically impaired" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (for example, clubfoot, absence of some member, etc.), impairments caused by disease (for example, poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (for example, cerebral palsy, amputations, and fractures or burns which cause contractures).

(g) "Other health, impaired" means limited strength, vitality, or alertness, due to chronic or acute health problems (such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes), which aversely affects a child's educational performance.

(h) "Seriously emotionally disturbed" is defined as follows:

(i) The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:

(aa) An inability to learn which cannot be explained by intellectual, sensory, or health factors;

(bb) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(cc) Inappropriate types of behavior or feelings under normal circumstances;

(dd) A general pervasive mood of unhappiness or depression; or

(ee) A tendency to develop physical symptoms or fears associated with personal or school problems.

(ii) The term includes children who are schizophrenic or autistic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.

(i) "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not apply to children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

(j) "Speech impaired" means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's educational performance.

(k) "Visually handicapped" means a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children.

(3) Handicapped children may be able to function in a general education program time with the assistance of supplementary services; may require supplementary services outside of the general classroom; or may require more intensive service which necessitates placement outside of the general education program. Some handicapped children require special education and related services; some do not. Economic and cultural disadvantaged conditions are not, in themselves, handicapping conditions which justify special education programming.

B. "Special education" means instruction provided at no cost to the parents, which is specially designed to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions. The term also includes vocational education, if it consists of specially designed instruction, to meet the unique needs of a handicapped child, at no cost to the parents. Related services are transportation and those developmental, corrective, anther supportive services that are required to assist a handicapped child in benefitting from education. The term "related services" includes speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.

C. "Special education services" means special education and related service as defined above.

D. "Appropriate special education programs" means those services defined in each child's individualized education program (I.E.P.).

.03 State Responsibility.

A. State Advisory Board. The State Superintendent of Schools shall appoint, with the approval of the State Board of Education, a State Advisory Committee for Special Education. This committee shall be composed of the following: individuals involved in or concerned with the education of handicapped children, handicapped individuals, teachers (special and general), parents or guardians of handicapped children, local education officials, including building principals in general education, representatives from the State Department of Human Resources and Health and Mental Hygiene, and administrators of programs for handicapped children. The State Advisory Committee shall advise the State Superintendent of Schools regarding unmet needs within the State in the education of handicapped children, regulations or bylaws to be promulgated regarding the education of handicapped children, and the development of programs for handicapped children. The term of appointment shall be 3 years.

B. Assurance. The State Department of Education shall assure that all children, birth through age 20, residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education or related services, or both, are identified, assessed, and provided with appropriate special education services as consistent with Maryland law and federal law.

(d) The projected dates for initiation of services and the anticipated duration of the services; and

(e) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved.

(f) None of the above shall be construed to cause any agency, teacher, or other person to be held accountable if a child does not achieve the growth projected in the annual goals or short term goals and objectives.

(5) Each local education agency's admission, review, and dismissal committee shall provide for a review of the progress of each child who is receiving special education services. This review of each child's progress shall be completed within 60 school days after the initial placement.

(6) If the review by the Admission, Review, and Dismissal Committee suggests that the initial placement was inappropriate or that different services would now benefit the child, or both, re-assignment or alteration in service shall be made as appropriate. The written consent of parents or guardians shall be secured in accordance with §C(5)(d), above.

(7) Additional review of the child's program shall occur at least annually thereafter and shall be conducted to determine the following:

(a) Whether the child has achieved the goals set forth in his individualized education program;

(b) Whether the child has met the criteria which indicate readiness to enter into a less intensive special education program level;

(c) Whether the program the child is in should be specifically modified to render it more suitable to the child's needs;

(d) A written summary of this review shall be made available to the parents of the child within 10 school days after the review is completed.

E. Services.

(1) Children with special needs shall be served in special education programs appropriate to their developmental level and educational needs. The Admission, Review, and Dismissal Committee in all cases shall verify the existence of an educational handicapping condition and its degree, based upon the assessment information available

(see Regulation .05C(3)(c), above). The individualized education program shall designate appropriate program level or levels placement. After determining initial program placement, the local education agency shall educate the child in the least restrictive appropriate educational program level. Students may be served concurrently at more than one program level. Students shall be served in compatible age, developmental, and instructional groupings. Separate schooling, self-contained classes, or other removal of the child with special needs from the general educational environment shall occur only when, and to the extent that, the student's special educational need is such that education in a less restrictive environment cannot be accomplished satisfactorily even with the use of supplementary aids and services. In making this determination the needs of other children in the classroom may be considered.

(2) Professionals may provide service concurrently at more than one program level. Caseloads shall be adjusted accordingly based upon the full time equivalent assignment. In establishing the individual professional caseload, consideration should be given to the individual education program of the students served by the professionals.

(3) A complete description of special education programs, services, and criteria for the child's eligibility shall be available to the public. The following shall constitute the levels of special education service:

(a) Level I may be considered appropriate for the child who has been identified through the educational assessment as having an educational handicap in one or more of the following areas: cognitive, emotional, physical, or all of these, and who may be appropriately served in the general education program receiving supplementary services. Level I is designed to assist the non-special education teacher in the development and implementation of a special education individualized education program through the provision of supplementary services which are not provided in the general program. Services provided include direct or indirect instructional consultation services to the teacher, or special materials, or both, and equipment. The minimum staffing ratio for Level I service shall be one full time equivalent professional for each 150 non-special education teachers employed by the local education agency.

(b) Level II may be considered appropriate for the student who has been identified through the educational assessment as having an educational handicap in one or more of the following areas: cognitive, emotional, physical, or all of these, and who may be appropriately served by receiving service through the special education program not to exceed an average of 1 hour per school day. Level II is designed to provide a program of special educational intervention directly to the student. This level is designed to meet the special educational needs of the handicapped child who requires a degree of educational intervention not available in the general education classroom. Services are provided by a professional on an intermittent or continuous basis (for example, vision, speech, and language). The instruction may be given on an individual basis or in small groups. In addition, personnel serve as a resource to the teacher in suggesting activities which would enhance the student's achievement. The maximum case load for Level II service shall be an average of 60 handicapped students with special educational needs per each full time equivalent professional.

(c) Level III may be considered appropriate for the child who has been identified through the educational assessment as having an educational handicap in one or more of the following areas: cognitive, emotional, physical, or all of these, and who may be appropriately served by receiving special educational services not to exceed an average of 3 hours per school day. Level III is designed to provide periods of more intensive special educational services (for example, academic, vision, speech, language) on a regular basis. In addition, personnel serve as a resource to the teacher in suggesting activities which would enhance the student's achievement. The maximum case load for Level III services shall be an average of 20 different handicapped students with special educational needs per full time certified special education teacher or an average of 30 different handicapped students, if a full time aide is also provided.

(d) Level IV may be considered appropriate for the student who has been identified through the educational assessment as having handicaps in one or more of the following areas: cognitive, emotional, or physical, or all of these, and who may be appropriately served by receiving special educational services up to 6 hours per school day. Level IV is designed to provide a special class within a general education facility in which a student receives most or all of his basic educational program. Services include special education provided by a special education teacher, and related services as described in the individualized education program (IEP). The student shall participate in the general program as appropriate and shall have access to other supplementary services consistent with those provided to students in the general education program. The maximum class size for Level IV service at the elementary level shall be an average of 10 handicapped students with special educational needs per full time teacher or an average of 13 students if a full time aide is also provided. The maximum class size for Level IV service at the secondary level shall be an average of 12 students with special educational needs per full time certified special education teacher or an average of 15 students, if a full time aide is provided.

(e) Level V may be considered appropriate for the student who has been identified through the educational assessment as having a handicapping condition in one or more of the following areas: cognitive, emotional, or physical, or all of these, and who requires a comprehensive special education setting for his entire school day in a special wing, or day school. Services are provided in a comprehensive special education setting which includes special equipment and related services. The maximum class size for Level V service for handicapped children shall be an average of six handicapped students with special educational needs per full time certified special education teacher or an average of 9 if a full time aide is provided. The maximum class size for Level V service for children with significant physical impairments shall be an average of 7 handicapped students per full time certified special education teacher and a full time aide.

(f) Level VI may be considered appropriate for the student who has been identified through the educational assessment as having a handicap in one or more of the following areas: cognitive, emotional, or physical, or all of these, and who requires 24 hour special education programming and personal care. Level VI is designed to provide instruction or treatment, or both, on a short or long-term basis in a residential setting, which includes a comprehensive special education program, special equipment, related services and 24-hour personal care. The maximum class size for Level VI service shall be an average of 4 handicapped students with special educational needs per full time certified or licensed professional or an average of 7 per class where an aide is present.

(4) Other Program Provisions.

(a) Home and hospital instruction is designed to provide short-term itinerant instructional services to students with physical disabilities or in emotional crisis. Services provided include:

(i) Instructional service to the student who is being maintained at home or in a hospital for purposes of convalescence or treatment, and is restricted by a physician for reasons of physical health from attending a school-based program. The period of time this program will be provided shall vary with the severity of the medical restrictions.

(ii) Instructional service to a student in emotional crisis who is being maintained at home or in a hospital shall be available only on an emergency basis. This service may not exceed 60 consecutive school calendar days (minimum of 6 hours week) pending placement in an established educational program.

(b) Early childhood programs are designed to provide a program of educational intervention directly to the handicapped child from birth through 4 years old, to the parent, or both. Levels of service as delineated above shall be available as appropriate. In addition, parent-infant programs using itinerant personnel may be provided. The itinerant teacher serves as a resource to the parent in suggesting activities which would enhance the child's development. The maximum case load for parent-infant service shall be 10 families to each full-time equivalent professional.

F. Nonpublic Institutions and Child Placement Approval Authority.

(1) The placement of handicapped children into programs offered by approved nonpublic institutions shall be in accordance with Education Article, §8-409, Annotated Code of Maryland, and the requirements in these regulations.

(2) Program Placement Approval.

(a) A handicapped child may be considered for placement into a nonpublic special education program when it is shown that an appropriate program of special education and related services for the child are not available in the local education agency or available free of charge in an appropriate State operated program. The services that are unavailable in the local school systems are provided as part of a special education program in an approved nonpublic institution. A determination that the necessary program is not available shall take into account all free special education services provided by other local or State agencies, or both, providing services are within commuting distance from the child's place of residence.

(b) The placement of a child in such an approved nonpublic special education program shall occur in a manner consistent with the identification, assessment, and placement of other handicapped

18. Michigan

1849

Michigan
Special Education Rules

Effective August 12, 1983

and

Rules for the Transportation of Handicapped Persons

Effective September 4, 1982

Michigan State Board of Education
Box 30008
Lansing, Michigan 48909
August, 1983

than 1 year.

(d) "Special education" means specially designed instruction, at no cost to the parents, to meet the unique needs of a handicapped person, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions and designed to develop the maximum potential of a handicapped person.

(e) "Special education advisory committee" means a committee appointed by the state board of education to advise the state board of education on matters related to the delivery of special education programs and services.

(f) "Special education classroom" means a classroom that is under the direction of an approved special education teacher and in which a person receives specially designed instruction.

(g) "Specialized transportation" means transportation provided in an approved school vehicle in a regular seat, wheelchair, or an approved baby seat. This specifically excludes students who need ambulance service, a medical attendant, or other care outside the responsibility of the schools.

(h) "Superintendent" means the chief executive officer of the public agency or his or her designee.

(i) "Vocational evaluation services" means evaluation of educational and vocational needs of handicapped persons conducted in facilities licensed under the fair labor standards act of 1938, as amended, 29 U.S.C. §201 et seq. The purpose of the evaluation service shall be to identify the handicapped person's functional vocational level for vocational training or placement.

(j) "Vocational training" means vocational education as defined in section 7 of Act No. 451 of the Public Acts of 1976, as amended, being §380.7 of the Michigan Compiled Laws.

(k) "Work activity center" means a program designed exclusively to provide therapeutic activities for handicapped persons whose handicap is so severe that their productive capacity is inconsequential. A work activity center may be operated in conjunction with a sheltered workshop licensed under the fair labor standards acts of 1938, as amended.

(l) "Work study" means on-the-job training, related counseling, and follow-up services.

(m) "Youth placed in a juvenile detention facility" means an individual who is placed by the court in a detention facility for juvenile delinquents and who is not attending a regular school program due to court order.

PART 1. GENERAL PROVISIONS

R 340.1702 "Handicapped person" defined.

Rule 2. "Handicapped person" means a person determined by an individualized educational planning committee or a hearing officer to have a characteristic or set of characteristics pursuant to R 340.1703 to R 340.1715 that necessitates special education and related services. Determination of an impairment shall not be based solely on behaviors relating to environmental, cultural, or economic differences.

R 340.1703 Determination of severely mentally impaired.

Rule 3. (1) The severely mentally impaired shall be determined through manifestations of all of the following behavioral characteristics:

(a) Development at a rate approximately 4½ or more standard deviations below the mean as determined through intellectual assessment.

(b) Lack of development primarily in the cognitive domain.

(c) Impairment of adaptive behavior.

(2) A determination of impairment shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team which shall include a psychologist.

(3) A determination of impairment shall not be based solely on behaviors relating to environmental, cultural, or economic differences.

R 340.1704 Determination of trainable mentally impaired.

Rule 4. (1) The trainable mentally impaired shall be determined through manifestation of all of the following behavioral characteristics:

(a) Development at a rate approximately 3 to 4½ standard deviations below the mean as determined through intellectual assessment.

(b) Lack of development primarily in the cognitive domain.

(c) Impairment of adaptive behavior.

(2) A determination of impairment shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team which shall include a psychologist.

(3) A determination of impairment shall not be based solely on behaviors relating to environmental, cultural, or economic differences.

R 340.1705 Determination of educable mentally impaired.

Rule 5. (1) The educable mentally impaired shall be determined through the manifestation of all of the following behavioral characteristics:

- (a) Development at a rate approximately 2 to 3 standard deviations below the mean as determined through intellectual assessment.
- (b) Scores approximately within the lowest 6 percentiles on a standardized test in reading and arithmetic.
- (c) Lack of development primarily in the cognitive domain.
- (d) Impairment of adaptive behavior.

(2) A determination of impairment shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team which shall include a psychologist.

(3) A determination of impairment shall not be based solely on behaviors relating to environmental, cultural, or economic differences.

R 340.1706 Determination of emotionally impaired.

Rule 6. (1) The emotionally impaired shall be determined through manifestation of behavioral problems primarily in the affective domain, over an extended period of time, which adversely affect the person's education to the extent that the person cannot profit from regular learning experiences without special education support. The problems result in behaviors manifested by 1 or more of the following characteristics:

- (a) Inability to build or maintain satisfactory interpersonal relationships within the school environment.
- (b) Inappropriate types of behavior or feelings under normal circumstances.
- (c) General pervasive mood of unhappiness or depression.
- (d) Tendency to develop physical symptoms or fears associated with personal or school problems.

(2) The term "emotionally impaired" also includes persons who, in addition to the above characteristics, exhibit maladaptive behaviors related to schizophrenia or similar disorders. The term "emotionally impaired" does not include persons who are socially maladjusted, unless it is determined that such persons are emotionally impaired.

(3) The emotionally impaired shall not include persons whose behaviors are primarily the result of intellectual, sensory, or health factors.

(4) A determination of impairment shall be based on data provided by a multidisciplinary team, which shall include a comprehensive evaluation by both of the following:

- (a) A psychologist or psychiatrist.
- (b) A school social worker.

(5) A determination of impairment shall not be based solely on behaviors relating to environment, cultural, or economic differences.

R 340.1707 Determination of hearing impaired.

Rule 7. (1) The hearing impaired shall be determined through manifestation of a hearing impaired which adversely affects educational performance.

(2) A determination of impairment shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team which shall include an otolaryngologist and an audiologist.

(3) A determination of impairment shall not be based solely on behaviors relating to environmental, cultural, or economic differences.

R 340.1708 Determination of visually impaired.

Rule 8. (1) The visually impaired shall be determined through the manifestation of both of the following:

- (a) A visual impairment that interferes with development, or adversely affects educational performance.
- (b) One or both of the following:
  - (i) A central visual acuity of 20/70 or less in the better eye after routine refractive correction.
  - (ii) A peripheral field of vision restricted to not more than 20 degrees.

(2) A determination of impairment shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team which shall include an ophthalamologist or optometrist.

(3) A determination of impairment shall not be based solely on behaviors relating to environmental, cultural, or economic differences.

R 340.1709 Determination of physically and otherwise health impaired.

Rule 9. (1) The physically and otherwise health impaired shall be determined through the manifestation of a physical or other health impairment which adversely affects educational performance and which may require physical adaptations within the school environment.

(2) Determination of impairment shall be based upon a comprehensive evaluation by a multidisciplinary

738

evaluation team which shall include an orthopedic surgeon, internist, neurologist, pediatrician, or osteopathic internist.

(3) A determination of impairment shall not be based solely on behaviors relating to environmental, cultural, or economic differences.

R 340.1710 Determination of speech and language impaired.

Rule 10. (1) The speech and language impaired shall be determined through the manifestation of 1 or more of the following communication impairments which adversely affects educational performance.

- (a) Articulation impairment, including omissions, substitutions, or distortions of sound, persisting beyond the age at which maturation alone might be expected to correct the deviation.
- (b) Voice impairment, including inappropriate pitch, loudness, or voice quality.
- (c) Fluency impairment, including abnormal rate of speaking, speech interruptions; and repetition of sounds, words, phrases, or sentences, which interferes with effective communications.
- (d) One or more of the following language impairments: phonological, morphological, syntactic, semantic, or pragmatic use of aural/oral language as evidenced by both of the following:
  - (i) A spontaneous language sample demonstrating inadequate language functioning.
  - (ii) Test results, on not less than 2 standardized assessment instruments or 2 subtests designed to determine language functioning, which indicate inappropriate language functioning for the child's age.

(2) A handicapped person who has a severe speech and language impairment but whose primary disability is other than speech and language shall be eligible for speech and language services pursuant to R 340.1745(a).

(3) A determination of impairment shall be based upon a comprehensive evaluation by a multidisciplinary team which shall include a teacher of the speech and language impaired.

(4) A determination of impairment shall not be based solely on behaviors relating to environmental, cultural, or economic differences.

R 340.1711 "Preprimary impaired" defined; determination.

Rule 11. (1) "Preprimary impaired" means a child through 5 years of age whose primary impairment cannot be differentiated through existing criteria within R 340.1703 to R 340.1710 or R 340.1713 to R 340.1715 and who manifests an impairment in 1 or more areas of development equal to or greater than ½ of the expected development for chronological age, as measured by more than 1 developmental scale, which cannot be resolved by medical or nutritional intervention. This definition shall not preclude identification of a child through existing criteria within R 340.1703 to R 340.1710 or R 340.1713 to R 340.1715.

(2) A determination of impairment shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team.

(3) A determination of impairment shall not be based solely on behaviors relating to environmental, cultural, or economic differences.

R 340.1713 "Specific learning disability" defined; determination.

Rule 13. (1) "Specific learning disability" means a disorder in 1 or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain disfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, of autism, or of environmental, cultural, or economic disadvantage.

(2) The individualized educational planning committee may determine that a child has a specific learning disability if the the child does not achieve commensurate with his or her age and ability levels in 1 or more of the areas listed in this subrule, when provided with learning experiences appropriate for the child's age and ability levels, and if the multidisciplinary evaluation team finds that a child has a severe discrepancy between achievement and intellectual ability in 1 or more of the following areas:

- (a) Oral expression.
- (b) Listening comprehension.
- (c) Written expression.
- (d) Basic reading skill.
- (e) Reading comprehension.
- (f) Mathematics calculation.
- (g) Mathematics reasoning.

(3) The individualized educational planning committee shall not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of any of the following:

(a) A visual, hearing, or motor handicap.
(b) Mental retardation.
(c) Emotional disturbance.
(d) Autism.
(e) Environmental, cultural, or economic disadvantage.

(4) A determination of impairment shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team, which shall include at least both of the following:

(a) The child's regular teacher or, if the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age or, for a child of less than school age, an individual qualified by the state educational agency to teach a child of his or her age.
(b) At least 1 person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, a teacher of speech and language impaired, or a teacher consultant.

R 340.1714 Determination of severely multiply impaired.

Rule 14. (1) The severely multiply impaired shall be determined through the manifestation of all of the following behavioral characteristics:

(a) Multiple handicaps in the physical and cognitive domains.
(b) Inability to function within other special education programs which deal with a single handicap.
(c) Development at less than the expected rate for the age group in the cognitive, affective or psychomotor domains.

(2) A determination of impairment shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team which shall include a psychologist, a neurologist, and an orthopedic surgeon, an ophthalmologist; or an otolaryngologist and an audiologist, depending upon the handicaps defined in this part.

(3) A determination of impairment shall not be based solely on behaviors relating to environmental, cultural, or economic differences.

R 340.1715 "Autism" defined; determination.

Rule 15. (1) "Autism means a lifelong developmental disability which is typically manifested before 30 months of age. "Autism" is characterized by disturbances in the rates and sequences of cognitive, affective, psychomotor, language, and speech development.

(2) The manifestation of the characteristics specified in subrule (1) of this rule and all of the following characteristics shall determine if a person is autistic:

(a) Disturbance in the capacity to relate appropriately to people, events, and objects.
(b) Absence, disorder, or delay of language, speech, or meaningful communication.
(c) Unusual or inconsistent response to sensory stimuli in 1 or more of the following:
    (i) Sight.
    (ii) Hearing.
    (iii) Touch.
    (iv) Pain.
    (v) Balance.
    (vi) Smell.
    (vii) Taste.
    (viii) The way a child holds his or her body.
(d) Insistence on sameness as shown by stereotyped play patterns, repetitive movements, abnormal preoccupation, or resistance to change.

(3) To be eligible under this rule, there shall be an absence of the characteristics associated with schizophrenia, such as delusions, hallucinations, loosening of associations, and incoherence.

(4) A determination of impairment shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team. The team shall include, at a minimum, a psychologist or psychiatrist, a teacher of speech and language impaired, and a school social worker.

(5) A determination of impairment shall not be based solely on behaviors relating to environmental, cultural, or economic differences.

(ii) Eligibility for special education programs and services shall cease within 1 additional school year.

(p) Personnel development shall be conducted pursuant to findings of an annual needs assessment. The training shall be made available to both special and regular education personnel. The persons providing training, which may be district, university or agency, teacher center, or state department based, may include handicapped persons and parents of handicapped persons, as well as special and regular education personnel. The training programs to be delivered shall include all of the following if appropriate:

- (i) Requirements and procedures of state and federal mandatory education acts.
- (ii) Placement and education of the handicapped person in the regular education curriculum, including the various aids and supportive services related thereto.
- (iii) Affective education involving the importance of interaction with handicapped persons on a peer level.

R 340.1734 Deviations from rules.

Rule 34. (1) A deviation from these rules shall be requested in writing from the state board of education or its designee by an intermediate or local district operating or contracting for special education programs and services. A copy of the request shall be filed concurrently with the intermediate school district in which affected handicapped persons reside and all local constituent school districts in which the affected handicapped persons reside. A copy of the request shall be filed concurrently with the parent advisory committee of the intermediate school district requesting the deviation and the parent advisory committee of any intermediate school district in which affected handicapped persons reside.

(2) Within 7 days of receipt of the request, the intermediate school district shall file with the state board of education or its designee its objections to, approval of, and rationale regarding, the request.

(3) The state board of education or its designee shall initiate action within 30 calendar days of receipt of the request. The board or designee may grant the request in writing for a period not to extend beyond the end of the current school year and upon such terms and conditions as it shall specify only when, in its judgment, the best interests of those handicapped persons affected by such deviation are served and good cause is shown.

(4) A deviation shall not be granted when the intent of the deviation is to exclude a handicapped person from, or deny a handicapped person participation in, a special education program or service which is required.

(5) A program deviation granted by the state board of education or its designee is public information. The affected intermediate school districts and local constituent districts shall inform their involved personnel of granted deviations in any manner they deem appropriate.

R 340.1736 Paraprofessional personnel.

Rule 36. Paraprofessional personnel may be employed to assist special education professional personnel pursuant to the intermediate school district plan. Paraprofessional personnel include, but are not limited to, teacher aides, health care aides, bilingual aides, instructional aides, and program assistants in programs for the severely mentally impaired and the severely multiply impaired.

R 340.17437 Additional requirements by handicapping condition.

Rule 37. Each type of handicapped person, as defined in part 1, of these rules shall be provided programs and services pursuant to the intermediate district plans and the specific requirements in R 340.1738 to R 340.1749 and R 340.1754 to R 340.1758, addition to the programs generally provided to all handicapped children as described in R 340.1733.

R 340.1738 Severely mentally impaired programs.

Rule 38. Specific requirements for programs and services for the severely mentally impaired shall be as follows:

(a) An instructional unit for the severely mentally impaired shall consist of at least 1 teacher and four instructional aides for a maximum of 24 students, with an average ratio of 1 instructional aide for 6 students. At least 1 full-time teacher and 1 full-time aide shall be employed in every program for the severely mentally impaired.

(b) A school year for the severely mentally impaired shall include a minimum of 230 days and 1,150 clock hours of instructional activities.

(c) Persons employed in a severely mentally impaired program shall have the following responsibilities:

- (i) Teachers shall be responsible for the instructional program and shall coordinate the activities of aides and supportive professional personnel.

(ii) Instructional aides shall work under the supervision of the teacher and assist in the daily training program for not more than 6 severely mentally impaired students.
(iii) Program assistants may assist the teacher and the instructional aides in the feeding, lifting, and individualized care of severely mentally impaired students.

R 340.1739 Trainable mentally impaired programs.

Rule 39. Specific requirements for programs and services for the trainable mentally impaired are as follows:

(a) After August 31, 1975, all classroom programs for the trainable mentally impaired shall be provided in buildings constructed or renovated for use as school facilities.
(b) A classroom unit for the trainable mentally impaired shall consist of either of the following:
  (i) One teacher and 1 teacher aide for a maximum of 15 students.
  (ii) One lead teacher with maximum of 3 instructional aides for a maximum of 30 students, with not more than 10 students for each aide.

R 340.1740 Educable mentally impaired programs; effective dates.

Rule 40. (1) Programs for the educable mentally impaired shall have not more than 15 students in the classroom at any one time, and the teacher shall have responsibility for educational programming for not more than 18 different students except as permitted under subrule (2).

(2) In consideration of current fiscal conditions, programs for the educable mentally impaired shall have not more than 15 students in the classroom at any one time, and the teacher shall have responsibility for the educational programming for not more than 18 different students, except at the secondary level where the teacher shall have responsibility for the educational programming for not more than 21 different students. For the purposes of this subdivision, "secondary" means a building that houses no grade below grade 7. This subrule shall expire on August 31, 1984.

R 340.1741 Emotionally impaired programs; effective dates.

Rule 41. (1) Programs for the emotionally impaired shall have not more than 10 students in the classroom at any one time, and the teacher shall have responsibility for educational programming for not more than 15 different students except as permitted under subrule (2).

(2) In consideration of current fiscal conditions, programs for the emotionally impaired shall have not more than 10 students in the classroom at any one time, and the teacher shall have responsibility for educational programming for not more than 15 different students, except at the secondary level where the teacher shall have responsibility for educational programming for not more than 21 different students. For the purposes of this subdivision, "secondary" means a building that houses no grade below 7. This subrule shall expire on August 31, 1984.

R 340.1742 Hearing impaired programs; effective dates

Rule 42. (1) Specific requirements for programs and services for hearing impaired persons are as follows:

(a) A special class with 1 teacher shall have an enrollment of not more than 7 students.
(b) In consideration of current fiscal conditions, a special class with 1 teacher shall have not more than 7 students, except at the secondary level, where the teacher shall have not more than 10 students and shall serve not more than 7 at any one time. For the purposes of this subdivision, "secondary" means a building that houses no grade below grade 7. This subdivision shall expire on August 31, 1984.
(c) Group hearing aids deemed necessary for instruction by the individualized educational planning committee shall be provided. The public agency shall insure that the amplification devices worn by hearing impaired children in school are functioning properly.
(d) Communication skills and language shall be emphasized as an integral part of the curriculum.

(2) The Michigan school for the deaf shall be considered a part of the total continuum of services for hearing impaired persons. The following procedures are necessary for admission.

(a) A request for assignment to the Michigan school for the deaf shall be submitted by the intermediate school district superintendent or designee to the superintendent of the Michigan school for the deaf.
(b) Before application, the person shall have been identified by the referring school district as hearing impaired pursuant to R 340.1707.

(3) The agency initiating an assignment into or out of the Michigan school for the deaf shall be responsible for establishing the individualized educational planning committee. Representatives of the local school district and the intermediate school district of residence and the Michigan school for the deaf should be invited to participate in the individualized educational planning committee meeting.

R 340.1743 Visually impaired programs.

Rule 43. (1) Specific requirements for programs and services for the visually impaired are as follows:

(a) Class size shall be determined by the severity and multiplicity of the impairments of the visually impaired students. A special class with 1 teacher shall have an enrollment of not more than the equivalent of 8 full-time students and the teacher shall have responsibility for the educational programming for not more than 10 different students.

(b) The curriculum shall include instruction in orientation and mobility, assistance in early development of comprehensive communication skills, personal adjustment education, and prevocational and vocational experience.

(c) An agency operating special education programs and services for the visually impaired may also operate a program of transcription of education materials into braille pursuant to R 388.261 to R 388.265 of the Michigan Administrative Code.

(2) The Michigan school for the blind shall be considered a part of the total continuum of services for visually impaired persons. The following procedures are necessary for admissions.

(a) A request for assignment to the Michigan school for the blind shall be submitted by the intermediate school district superintendent, or his or her designee, to the superintendent of the Michigan school for the blind.

(b) Before application, the person shall have been identified by the referring school district as visually impaired pursuant to R 340.1708.

(3) The agency initiating an assignment into or out of the Michigan school for the blind shall be responsible for establishing the individualized educational planning committee. Representatives of the local school district, the intermediate school district of residence, and the Michigan school for the blind shall be invited to participate in the individualized educational planning committee meeting.

R 340.1744 Physically or otherwise health impaired programs; effective dates.

Rule 44. (1) Specific requirements for programs for the physically or otherwise health impaired are as follows:

(a) The class size shall be not more than the equivalent of 15 full-time students per teacher except as permitted under subdivision (b).

(b) In consideration of current fiscal conditions, the class size shall be not more than 15 students in a classroom at any one time, and a teacher shall have responsibility for not more than 21 different students. This subdivision shall expire on August 31, 1984.

(2) Special classroom units serving physically or otherwise health impaired shall provide not less than 60 square feet of floor space per person.

(3) Health care aides may be employed to serve in a supportive capacity to the nurse, physical therapist, or occupational therapist.

R 340.1745 Speech and language impaired instructional services.

Rule 45. Specific requirements for instructional services for the speech and language impaired are as follows:

(a) The extent of instructional services provided by a teacher of the speech and language impaired for persons determined to be eligible for special education in R 340.1703 to R 340.1715 shall be based on the handicapped person's needs as determined by the individualized educational planning committee after reviewing a diagnostic report provided by a teacher of the speech and language impaired.

(b) The determination of caseload size for an individual teacher of the speech and language impaired shall be made by the teacher of the speech and language impaired in cooperation with the district director of special education, or his or her designee, and the building principal or principals of the school or schools in which the students are enrolled. Caseload size shall be based upon the severity of the handicaps and the intensity of the service defined in the collective individualized education programs of the students to be served, allowing time for diagnostics, report writing, individualized educational planning committee meetings, and travel.

(c) Individual teacher caseloads shall not exceed 75 different persons.

R 340.1746 Homebound and hospitalized services.

Rule 46. Specific requirements for homebound and hospitalized services are as follows:

(a) Homebound services shall be initiated within 15 school days after certification, by a licensed physician, of a medical handicap which requires the person to be confined to the home. Such certification shall indicate the anticipated duration of the required confinement. If the anticipated duration will exceed 1 school year, the student shall be evaluated under the provisions of R 340.1709.

(b) Hospital services shall be provided for persons who cannot attend school because of hospitalization for a physical or medical impairment. These services shall be initiated when determined medically feasible.

(c) A special education teacher employed for homebound or hospital services, or for a combination of these services, shall be assigned not more than 12 students at any one time.

(d) Progress reports for each person shall be recorded pursuant to the intermediate school district plan.

(e) Students receiving homebound or hospital services shall receive a minimum of 2 nonconsecutive hours of instruction per week. Ancillary personnel may supplement, but not substitute for the teacher's instruction.

(f) Homebound and hospital services shall not be utilized to serve handicapped persons who are severely emotionally impaired, severely multiply impaired, trainable mentally impaired, or severely mentally impaired, except where the person meets the requirements in subdivision (a) of this rule.

(g) It is the responsibility of the district in which the hospital is located to make homebound and hospital services available to eligible students. If the student is hospitalized outside of the district of residence, the district of residence is responsible for delivering services for contracting with the operating district and making payment for the services.

R 340.1747 Specific learning disabilities programs; effective dates.

Rule 47. (1) Programs for the learning disabled shall have not more than 10 students in the classroom at any one time, and the teacher shall have responsibility for educational programming for not more than 15 different students except as permitted under subrule (2).

(2) In consideration of current fiscal conditions, programs for the learning disabled shall have not more than 10 students in the classroom at any one time, and the teacher shall have responsibility for educational programming for not more than 21 different students. For the purposes of this subdivision "secondary" means a building that houses no grade below grade 7. This subrule shall expire on August 31, 1984.

R 340.1748 Severely multiply impaired programs.

Rule 48. Specific requirements for programs and services for the severely multiply impaired are as follows:

(a) An instructional unit for the severely multiply impaired shall consist of at least 1 teacher and 2 instructional aides for a maximum of 9 students. At least 1 full-time teacher and 1 full-time aide shall be employed in every severely multiply impaired program. The supportive services of a physical therapist, an occupational therapist, a teacher of the speech and language impaired, and a nurse shall be reasonably available.

(b) A school year for the severely multiply impaired shall include a minimum of 230 days and 1,150 clock hours of instructional activities.

(c) The program shall emphasize treatment of the total person rather than service to any single handicap in isolation.

(d) Persons employed in severely multiply impaired programs shall have the following responsibilities:

  (i) Teachers shall be responsible for the instructional program, shall coordinate the activities and instructional aides and other supportive personnnel, and shall maintain a systematic method of home-school liaison.

  (ii) Instructional aides shall work under the supervision of the teachers and shall assist in the daily program for not more than 3 students.

  (iii) Program assistants shall be utilized when necessary and shall have the responsibilities indicated in R 340.1738 for program assistants in severely mentally impaired programs; otherwise, instructional aides shall have these responsibilities.

R 340.1749 Teacher consultant generally.

Rule 49. The teacher consultant for special education:

(a) Shall provide instructional or other support services to students who have been identified as handicapped.

(b) Shall provide services to students whose handicap is such that they may be educated effectively within a regular classroom if supportive service is provided to them.

(c) Shall provide consultation to education personnel on behalf of handicapped persons on their caseload.

(d) Shall carry an active case load of not more than 25 handicapped students. All students served under this rule shall be counted as part of the active case load.

(e) May provide educational services to handicapped persons in the handicapped person's home.

(f) May be employed as an itinerant staff persons in 1 or more school buildings.

(g) May work as a member of a multidisciplinary evaluation team to assist in the evaluation of the educational needs of persons suspected of being handicapped.

R 340.1750 Director of special education.

Rule 50. Each intermediate school district shall employ or contract for the services of a director of special education. Local districts may employ or contract for the services of a director of special education pursuant to the intermediate district plan. For the district to qualify for reimbursement, the director shall perform such full-time duties as the development, organization, and administration of special education programs and services, the planning and conducting of inservice education programs, the development and maintenance of continuous evaluation procedures for special education, the liaison with school staff and the community, the preparation of special education reports, and other duties related to special education as assigned.

R 340.1751 Supervisor of special education.

Rule 51. A supervisor of special education instructional programs, or other equivalent title, may be employed and shall perform in an administrative, supervisory, or consultative capacity for the instructional phases of specific areas of special education. The person shall perform such full-time duties as supervising and advising teachers providing instructional programs for the handicapped, assisting in the planning, and conducting of inservice-education programs, providing consultative services to the entire staff of the district and others concerning the instructional phases of specific areas of special education, and other administrative duties relating to special education as assigned. while a supervisor's primary responsibility is the supervision of personnel providing instructional services in special education, duties may include the supervision of ancillary special education personnel.

R 340.1752 Supervisor of ancillary services.

Rule 52. A supervisor of special education ancillary services, or other equivalent title, may be employed and shall perform in an administrative, supervisory or consultative capacity. The person shall perform such full-time duties as supervising and advising ancillary personnel providing services for the handicapped assisting in the planning and conducting of inservice education programs, providing consultative services to the entire staff of the district, and other administrative duties relating to special education ancillary services as assigned.

R 340.1753 Curriculum resource consultant.

Rule 53. A curriculum resource consultant is a fully approved special education teacher consultant specializing in the structure and planning of curriculum, media, and inservice education, and the acquisition, categorization, evaluation, or distribution of materials.

R 340.1754 Preprimary impaired classroom programs.

Rule 54. Specific requirements for classroom programs for the preprimary impaired are as follows:

(a) A special education-approved, preprimary teacher shall be provided to children 3 to 5 years of age based upon the child's individual needs as specified by the individualized educational planning committee. Districts may include children through 2 years of age as specified by the individualized educational planning committee.

(b) The program shall be available for a minimum of 360 clock hours and 144 days of instruction.

(c) The program shall have not more than 12 students for 1 teacher and 1 aide at any one time, and the teacher shall have responsibility for the educational programming for not more than 24 different students.

(d) The program shall have a parent participation and education component.

R 340.1755 Nonclassroom ancillary services to preprimary age children.

Rule 55. Specific requirements for nonclassroom services for preprimary age impaired children are as follows:

(a) Services shall be provided by a special education-approved preprimary teacher or approved ancillary staff to children through 2 years of age based upon the child's individual needs as specified by the individualized educational planning committee. Districts may include children through 5 years of age as determined by the individualized educational planning committee. Approved ancillary staff shall work under the supervision of a certified teacher approved pursuant to R 340.1795.

(b) Nonclassroom services shall be provided for a minimum of 2 hours per week, but not less than 72 clock hours within 180 school days. Services may be provided in a home or school setting.

(c) A nonclassroom services unit for preprimary age children shall consist of 1 of the following:
  (i) One teacher or approved preprimary ancillary staff for a maximum of 15 children.
  (ii) One lead teacher or approve preprimary ancillary staff and 1 aide for a maximum of 22 children.
  (iii) One lead teacher or approved preprimary ancillary staff and 2 aides for a maximum of 30 children.
(d) The program shall have a parent participation and education component.

R 340.1756 Severely language impaired classroom programs.

Rule 56. (1) A public agency may establish classroom programs for severely language impaired persons. Specific requirements for these programs are as follows:

(a) A severely language impaired classroom program conducted by a teacher of the speech and language impaired shall serve only the preprimary or elementary level severely language impaired.
(b) The program shall have not more than 10 students in the classroom at any one time, and the teacher shall have responsibility for the educational programming for not more than 15 different students.

(2) Speech and language impaired persons eligible for this program are those with a severe disability in the comprehension or expression of language as determined through the manifestation of all of the following characteristics which adversely affects educational performance:

(a) Demonstration of functioning within or above normal intellectual potential as measured by instruments that do not rely exclusively on oral direction or oral expression.
(b) Test results on not less than 2 standardized assessment instruments or 2 subtests designed to determine language functioning which clearly show language functioning not appropriate for the person's mental age.
(c) Oral language at less than the expected level based on the person's mental age in not less than 2 of the following areas:
  (i) Phonology.
  (ii) Morphology.
  (iii) Syntax.
  (iv) Semantics.
  (v) Pragmatics.

(3) A determination of impairment shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team which shall include a teacher of the speech and language impaired and a psychologist.

(4) The severely language impaired program shall not include persons whose language impairment is primarily the result of autism or mental, emotional, hearing, visual, physical, or other health impairments as defined in part 1 of these rules.

R 340.1757 Other related educational services for youth placed in juvenile detention facilities.

Rule 57. Specific requirements for educational services conducted for youth placed in juvenile detention facilities are as follows:

(a) Programs shall be initiated within 5 calendar days after admissions. If a person placed in a juvenile detention facility is suspected of being handicapped, the procedure outlined in part 2 of these rules shall be immediately followed.
(b) Notification of educational placement shall be sent to the superintendent of the district of residence within 5 school days after the date of entry of a person into the educational program in a juvenile detention facility.
(c) Education reports for each person educated in a juvenile detention facility shall be sent by certified mail to the superintendent of the district of residence, with the consent of the parent, within 5 school days from the date of release from the facility.
(d) Special education reimbursed personnel may provide educational services for nonhandicapped persons placed in the facility, if the programs comply with both of the following:
  (i) They are under the supervision of a teacher approved in the area of the emotionally impaired.
  (ii) They have not more than 10 students in a class at any one time.

R 340.1758 Classroom programs for the autistic impaired.

Rule 58. (1) Specific requirements for programs for the autistic shall be provided using either of the following alternatives:

(a) Programs that consist of 1 classroom program for the autistic impaired shall not have more than 5 students and shall be served by a teacher of the autistic. However, programs that consist of more than

1 classroom may have more than 5 students in a classroom, if the average student-to-teacher-and-aide ratio does not exceed 5 students to 1 teacher and 1 aide. A classroom with 3 or more students shall have 1 aide.

(b) A special education program described in section 1.6(2) of the intermediate school district plan set forth in R 340.1832 and approved by the state board of education that assures the provision of educational programming for autistic students.

(2) Specific requirements for either program shall include, but not be limited to, all of the following:

(a) Language and communication development.
(b) Personal adjustment training.
(c) Prevocational education.

PART 4. QUALIFICATIONS OF DIRECTORS AND SUPERVISORS

R 340.1771 Director of special education; education and experience requirements.

Rule 71. (1) For full approval, a director of special education shall possess all of the following minimum qualifications:

(a) An earned master's degree or equivalent
(b) Full approval in at least 1 area of special education.
(c) three years of successful professional practice of administrative experience in special education, or combination thereof.
(d) Thirty semester or 45 term hours of graduate credit and a successful 200 clock hour practicum in special education administration. Graduate credit shall be earned in a college or university whose program has been approved by the state board of education and shall be distributed appropriately to assure knowledge and competency as related to special education in the following areas:
    (i) Program development and evaluation.
    (ii) Personnel staffing, supervision, and evaluation.
    (iii) Interpersonal relationships, communications, persuasion, and morale.
    (iv) Evaluation of inservice organization and management.
    (v) Budgeting, financing, and reporting.
    (vi) Parent relationships.
    (vii) School plant planning.
    (viii) Consultation.
    (ix) Research and grant writing.
    (x) Office managment.
    (xi) School-related legal activities and due process hearings.
(e) One year of successful experience as a special education director in an approved special education program.
(f) Recommendation from a college or university approved for the preparation of special education directors which attests that the person has acquired the knowledge and competencies in subdivision (d) of this subrule and has demonstrated leadership ability and general knowledge of issues and problems in all disability areas of special education.

(2) For temporary approval, a director of special education shall possess all of the following minimum qualifications:

(a) An earned master's degree of equivalent.
(b) Full approval in at least 1 area of special education.
(c) Three years of successful professional practice or administrative experience in education, or combination thereof.
(d) Twelve semester or 18 term hours of graduate credit and a successful 200 clock hour practicum in special education administration. Graduate credit shall be earned in a college or university whose program has been approved by the state board of education and shall be distributed appropriately to assure knowledge and competency related to special education in the areas designated in subrule (1)(d) of this rule.
(e) Recommendation from a college or university approved for the preparation of special education directors.
(f) Continuation of temporary approval is dependent upon the satisfactory completion of not less than 6 semester or 9 term hours of required credit toward full approval before the beginning of the next school year.

19. Minnesota

STANDARDS AND PROCEDURES

3525.0200 DEFINITIONS FOR SPECIAL EDUCATION.

Subpart 1. Scope. As used in parts 3525.0200 to 3525.4700, the terms defined in this part have the meanings given them.

Subp. 1a. Assessment. "Assessment" means an individual educational evaluation of a pupil's performance or development conducted in accordance with recognized professional standards and the provisions of parts 3525.2500 to 3525.2800.

Subp. 2. Days. "Days" means the days school is in session when used in parts 3525.1100 to 3525.3600. "Days" means calendar days when used in parts 3525.3700 to 3525.4700.

Subp. 3. [Repealed, 8 SR 596]

Subp. 4. [Repealed, 8 SR 596]

Subp. 5. [Repealed, 8 SR 596]

Subp. 6. [Repealed, 8 SR 596]

Subp. 6a. Individual education program plan or IEP. "Individual education program plan" or "IEP" means a written individualized educational plan developed for a pupil. It is based on an assessment of the pupil's performance utilizing licensed personnel, a determination of the pupil's needs in a team process, an identification of appropriate goals and objectives, a selection of teaching strategies designed to enhance learning, delivery of services in an environment which is conducive to learning, and periodic review and evaluation of the pupil's performance.

Subp. 7. [Repealed, 8 SR 596]

Subp. 7a. Initial formal assessment. "Initial formal assessment" means the first formal assessment of a pupil provided by the district proposing to conduct the assessment.

Subp. 8. [Repealed, 8 SR 596]

Subp. 8a. Initial placement. "Initial placement" means the first special education placement and provision of instruction and related services by the district proposing the placement.

Subp. 8b. Instruction. "Instruction" means the action or

(1) Licensure in the appropriate disability area of special education or have a plan for working toward licensure.

(2) Licensed as a vocational instructor of special needs students in vocational education.

D. Teacher/coordinator of work experience:

(1) A special education license appropriate for the type of handicapped students being taught.

(2) Licensed as an instructor/coordinator for work experience in vocational education.

E. Teacher/coordinator of vocational education work experience:

(1) Must be coordinated with a special education director or coordinator/lead teacher licensed for the type of handicapped students being taught.

(2) Must be working cooperatively with a special education licensed teacher who is responsible for the nonvocational instruction.

(3) Licensed as an instructor/coordinator for work experience in vocational education.

F. Vocational evaluator:

(1) Licensed as a vocational evaluator in vocational education.

(2) Working cooperatively with special education licensed personnel to insure that special consideration is related to the students handicapped condition are included in the evaluation and program plan.

G. Vocational technical tutor:

(1) Licensed as a technical tutor in vocational education.

(2) Working cooperatively with a special education licensed teacher who is responsible for the nonvocational academic area of instruction.

MS s 120.17 subd 3

3525.1700 STAFF TO STUDENT RATIOS.

Subpart 1. Ratio in level 5 or 6 of the continuum of placement model. When persons are in need of special education services in level 5 or 6 of the "Continuum of Placement" model where the primary placement is in a special education program such as a full-time class, special station, special school, or residential school, the staff to student ratio shall not exceed:

A. one teacher for each eight handicapped persons for all categories except as provided in item B;

B. one teacher for six handicapped persons who are autistic or who are deaf/blind providing that two management aides are employed to assist the teacher.

Subp. 2. **Ratio in level 4 of the continuum placement model.** When persons are in need of special education services in level 4 of the "Continuum of Placement" model where the primary placement is in a special education program such as a resource room or part-time special class the staff to student ratio shall not exceed:

A. one teacher for every 15 handicapped persons for all categories except as provided in item B;

B. one teacher for every eight handicapped persons who are trainable mentally retarded or visually impaired.

Subp. 3. **Ratio in level 3 of the continuum placement model.** When persons are in need of special education services in level 3 of the "Continuum of Placement" model where the primary placement is in a regular education program, such as a resource room or special class, the staff to student ratio shall not exceed:

A. One teacher for every 15 persons for all categories except as provided in item B.

Each person must receive special education service for a minimum of one hour per day. When the needs of the student warrants such action, persons may receive less than one hour per day during the initial or phase out stages.

B. One teacher for every 40 persons who are speech and/or language impaired.

Subp. 4. **Ratio in level 1 or 2 of the continuum of placement model.** When persons are in need of special education services in level 1 or 2 of the "Continuum of Placement" model one class not more than an average of eight pupils per teacher and related services staff nor more than 16 pupils to an individual team.

MS s 120.17 subd 3

8 SR 596

NOTE: Part 3525.2330 is effective for the school year beginning in 1984.

3525.2340 SCHOOL-AGE LEVELS OF SERVICE.

Subpart 1. **Instruction and related services required.** If a pupil is school-age and is not provided instruction and related services in an early childhood program alternative, the pupil shall be provided instruction and related services in one or more levels of service.

Subp. 2. **Levels of service.** The following are levels of service:

A. In level 1 a nonhandicapped pupil is placed in a regular classroom and does not receive special education, or is not enrolled in school. This level includes assessment services, monitoring, observation, and follow-up.

B. In level 2 a pupil is placed in a regular classroom. Instruction and related services are provided indirectly through the regular teacher, teachers, parents, or other persons who have direct contact with the pupil. The consultation and indirect services include ongoing progress review; cooperative planning; demonstration teaching; modification and adaptation of the curriculum, supportive materials, and equipment; and direct contact with the pupil for monitoring, observation, and follow-up.

C. In level 3 a pupil receives direct instruction from a teacher, or related services from a related services staff member for less than one-half of the day. Consultation and indirect services are included.

D. In level 4 a pupil receives direct instruction from a teacher for one-half day to less than full time. Consultation and indirect services are included.

E. In level 5 a pupil receives full-time direct where the student is full time in a regular education program and the special education teacher provides consultation and indirect service to the regular classroom teacher and/or assessment, monitoring or follow-up of the student, the staff to student ratio shall not exceed:

A. one teacher for every 30 persons who are handicapped except as provided in item B;

B. one teacher for every 60 persons who are speech impaired.

Subp. 5. **Providing more than one level of service.** Whenever a professional is serving children representing a range of severity of problems, is providing more than one level of service, or is providing service at more than one site, the staff to student ratios shall be adjusted accordingly.

Subp. 6. **Ratios for special and vocational programs.** When persons are receiving services from vocational staff involved in "special and vocational" programs except as provided in part 3525.1600, item D, the staff to student ratios of the "Continuum of Placement" model do not apply to that staff.

MS s 120.17 subd 3

8 SR 596

NOTE: Part 3525.1700 is repealed effective for the school year beginning in 1984.

3525.1800 [Repealed, 8 SR 596]

3525.1900 [Repealed, 8 SR 596]

3525.2000 [Repealed, 8 SR 596]

3525.2100 [Repealed, 8 SR 596]

3525.2200 [Repealed, 8 SR 596]

3525.2300 SCHOOL DAY.

Deviations from the normal school day for any type of handicapped children shall be approved by the commissioner of education.

MS s 120.17 subd 3

instruction from a teacher within a district building, day school, or special station or facility. Integrated activities solely for socialization or enrichment, and related services are excluded when determining full time. Consultation and indirect services are included.

F. In level 6 a pupil is placed in a residential facility and receives direct instruction from a teacher. Consultation and indirect services are included.

Subp. 3. Case loads for school-age levels of service. The following table sets forth by levels of service the maximum number of school-age pupils that may be assigned to a teacher. "Case load" means the number of pupils taught.

Level 2	
Speech and language handicapped and developmental adaptive physical education	60
All other disabilities	30
Level 3	
Speech and language handicapped and developmental adaptive physical education	40
All other disabilities	18
Level 4	
Deaf/blind, autistic, or severely multiply handicapped	3
With one aide	6
Mildly mentally handicapped or specific learning disabled	12
With one aide	15
All other disabilities	8
With one aide	10
With two aides	12
Levels 5 and 6	
Deaf/blind, autistic, or severely multiply handicapped	
With one aide	4
With two aides	6
All other disabilities	
With one aide	8

MS s 120.17 subd 3

8 SR 596

NOTE: Part 3525.2340 is effective for the school year beginning in 1984.

3525.2350 MULTIDISABILITY TEAM TEACHING.

Subpart 1. Team staff. A district may assign one or more full-time teachers and up to an equal number of full-time related services staff as a team to provide instruction and related services to school-age pupils. Other related and support services shall also be provided as appropriate.

Subp. 2. License requirement. There must be a teacher on the team who is licensed in the disability area of each pupil served by the team.

Subp. 3. Team member responsibility. The team member licensed in a pupil's disability shall be responsible for that pupil's reassessment, IEP development and coordination, periodic and annual reviews, and ongoing consultation and indirect services as defined in part 3525.2340, subpart 2, item B, to the teacher providing instruction. The frequency and progress documentation of the specific consultation and indirect services shall be included in the pupil's IEP.

Subp. 4. Implementation. Pupils may receive instruction and related services from any or all of the team members with appropriate skills. The instruction and related services provided by each team member shall be included in the IEP. Team teaching may be implemented in one or more levels of service.

Subp. 5. Case loads. The total case load assigned to the team shall not exceed the case loads at the appropriate level of service set forth in part 3525.2340, subpart 3, times the full-time teachers and related services staff members assigned to the team. In counting the total case load for the team, case loads for speech and language handicapped and developmental adaptive physical education shall be excluded. An aide or aides shall be a part of the team when designated in part 3525.2340, subpart 3, but shall not be counted when determining case loads for related services staff members.

MS s 120.17 subd 3

8 SR 596

3525.2360 SINGLE DISABILITY CASE MANAGEMENT SERVICES.

Subpart 1. Services included. Case management may include: initial screening and assessment; development, coordination, and implementation of the individual IEP; compliance with procedural requirements; communication coordination among home, regular, and special education programs; placement facilitation; and coordination and scheduling of team meetings, periodic reviews, and follow-up

MINNESOTA DEPARTMENT OF EDUCATION

CRITERIA FOR ENTRY

INTO

SPEECH/LANGUAGE SERVICES

1984-1985

CASELOAD GUIDELINES

State special education rules governing staff to student ratios are based on a continuum of service model which attempts to combine the federal mandate for least restrictive alternative options with a continuum of severity. This model does a reasonable job of differentiating between student service needs in a variety of classroom settings including the mild-moderately handicapped students served 1-3 hours a day in Level III program; the moderate-severely handicapped students who spend the majority of the school day in a Level IV special education classroom; and the severe-profoundly handicapped students who spend their total school day in a Level V special education classroom.

This model, however, fails to account for the wide range of severity seen in populations served by an itinerate staff. Although the services provided by speech-language clinicians are mostly Level III services, the primary placement of the students served may range from regular class placement to Level V class placement. A typical caseload then might include older students with moderate articulation disorders who require service twice a week for 20-30 minutes; a stutterer who requires individual service one-half hour a day; mainstreamed students with significant language delays that require service 3-5 days a week for 30 minutes; and several trainable retarded students who cannot speak and are being taught sign language through services provided in a classroom. The caseload maximum of 40 obviously cannot be applied both to a speech-language clinician serving a large number of moderately impaired students and to one serving students with severe single disorders or with multiple disorders. Caseloads should be based on the aggregate hours of service that are needed as determined by IEP goals and objectives. Time assigned to each student's program should be a function of the following:

1. The number of concommitant problems a student has. Students with more than one speech-language disorder, retardation, emotional disturbance, hearing disorder, etc. may need increased amounts of clinician time.

2. The severity of a student's communication disorder. As severity increases the amount of time necessary for initial and ongoing assessment, planning, instruction, interaction with team members, and paper work may increase.

3. Number of program options/levels of service needed. The student with a severe disorder may require simultaneous service from the speech-language clinician in both Level II (intensive service provided to significant others) and Level III (intensive service provided to the student). A student with a moderate disorder may make progress with Level II service only or Level III service only.

BUILDING ASSIGNMENTS/TRAVEL TIME

When services are provided at more than one building or site, the following is recommended:

1. Travel time should be considered as contact time and the caseload maximum reduced accordingly. For example, if teaching staff has five hours of student contact time, and a speech language pathologist spends one hour per day moving between buildings, her/his caseload maximum should be established as 4/5 X 40 (current maximum) or 32 students. That maximum should then be adjusted downward according to the considerations discussed under the preceding section.

2. If a speech-language pathologist services a secondary and an elementary building, her/his school day should be based on one or the other building's schedule. Staff who are required to start with the earliest building and end with the latest are required to put in a disproportionate number of student contact hours.

The number of buildings, and the distribution of buildings assigned to staff should be reviewed annually and reassignment based on consideration of the following:

1. Number of students who meet criteria for speech-language services.
2. Severity of the speech-language disorders represented in each building.
3. Number of students with multiple communication disorders in each building.
4. Number and types of other special education programs in each building.

The following table provides guidelines for the numbers of students that can be provided therapy by a single clinician, when each student's service needs are considered. The table is based on 25 hours (or 1500 minutes) student contact time per week, and assignment of the speech-language clinician to a single building. Twenty-minute units of service was chosen as a typical amount of service time.

Type of Service	Severity	Frequency in Minutes	Caseload Maximums
Direct Service provided individually or in groups	mild to moderate	2 per week 2 X 20 = 40	1500÷ 40 = 38
Direct Service provided individually	moderate	3 per week 3 X 20 = 60	1500÷ 60 = 25
Direct Service provided individually or in groups	moderate to severe	4 per week 4 X 40 = 80	1500÷ 80 = 19
Direct Service provided individually	severe	5 per week 5 X 20 = 100	1500÷100 = 15
Direct/Indirect services designed for individuals	severe to profound	5 per week Level IV	12

VOICE DISORDER

Definition:

The absence of voice or presence of abnormal quality, resonance and pitch.

Criteria:

A student will be eligible for services in the area of voice when quality, pitch or resonance:

1. Interferes with communication as judged by a speech/language clinician and either a parent, a teacher, other professional staff or the student.

AND

2. Is classed as deviant according to a formal rating scale.

When the focus of the special education service is remediation of a voice disorder, the speech/language clinician shall hold primary responsibility for designing and implementing the program.

A student should not be placed in a special education classroom program solely on the basis of a voice disorder.

STUTTERING

Definition:

The intrusion/repetition of sounds, syllables and words, prolongations of sounds, avoidance of words or inappropriate inhalation, exhalation, or phonation patterns.

Criteria:

A student will be eligible for services for stuttering:

1. When the behavior interferes with communication as judged by a speech/language clinician and either a parent, a teacher, other professional staff or the student.

AND

2. Speech is classified as at least mildly impaired on a fluency rating scale.

OR

3. Stuttering occurs on at least 5% of the words spoken in two or more speech samples taken in the setting where the behavior has been noted.

When the focus of the special education service is stuttering remediation, the speech/language clinician shall hold primary responsibility for designing and implementing the program.

A student should not be placed in a special education classroom solely on the basis of a stuttering disorder.

ARTICULATION

Definition:

The absence of or incorrect production of speech sounds.

Criteria:

A student will be eligible for services in the area of articulation:

1. When performance on a standard articulation test falls 2 SD below the mean.

2. Performance on a standardized test falls between -1.5 and -2.0 SD and there is a documented lack of spontaneous improvement over six months.

OR

3. Test performance is above -2.0 standard deviations but the student is judged unintelligible by the speech/language clinician and one other adult.

OR

4. When an error persists one year beyond the age when 90% of students have typically aquired the sound based on specified developmental norms.

When the focus of the special education service is articulation remediation, the speech/language clinician shall hold primary responsibility for designing and implementing the program.

A student should not be placed in a special education classroom solely on the basis of an articulation disorder.

If the student's overall functionning is developmentally below CA the assessment results may be interpreted in respect to developmental level.

Articulation patterns that can be attributed to economic, cultural or ethnic background should not be identified as handicaps.

LANGUAGE DISORDERS

Definition:

A breakdown in oral communication as characterized by problems in verbally expressing needs, ideas or information, which may be accompanied by problems in understanding verbal information.

Criteria:

A student will be eligible for language services when, based on formal analysis of a language sample and documented observation of communicative interaction:

1. S/he is non-speaking.

OR

2. Two norm-referenced analyses, conducted five months apart, indicate that language performance equivalent to -1.5 SD or greater with no evidence of improvement in type or frequency of linguistic errors.

OR

3. Performance on standardized tests, selected to measure deficits determined by language sample analysis or documented observation and administered five months apart, falls at least 1.5 SD below the mean with no evidence of improvement in type or frequency of errors.

OR

4. Performance on the measures identified in 2. and 3. above falls at or below -2 SD.

Prior to enrollment for language services, a student should demonstrate cognitive and physiological skills necessary for some system of communication, oral or augmentative.

A student should not be placed in a special education classroom solely on the basis of a language disorder unless there is evidence that s/he will make better gains there than in an individualized remedial program.

Language characteristics that can be attributed to economic, cultural or ethnic background should not be identified as handicaps.

DRAFT

GUIDELINE HANDBOOK

for Defining and Serving Students with Specific Learning Disabilities

FALL 1983

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Division of Instruction/Special Education Section

State of Minnesota/Department of Education

MCSC

DRAFT GUIDELINE ENTRANCE CRITERIA FOR SPECIFIC LEARNING DISABILITIES

1. Definition.

Specific learning disabilities. The handicapping condition of specific learning disabilities denote severe learning problems due to one or more deficits in the essential learning processes which significantly interferes with the ability to acquire, organize or express information. These problems are manifested in school functioning by reading, writing, spelling, or mathematical disabilities. Even though a specific learning disability may occur with other sensory/motor/behavioral handicaps or environmental influences (e.g., cultural, economic, limited English proficiency, insufficient/inappropriate instruction) the specific learning disability is not the direct result of these handicaps or influences.

2. A Systematic Pre-referral Procedure.

2.1. A systematic process is used within the regular education setting to determine whether a student needs to be considered for alternative services, including referral for a comprehensive child study assessment.

a. Results of any screening procedures used--general testing, checklists, screening instruments.

b. Review of educational and health records to note:

(1) vision, hearing, and health history,
(2) attendance and any family mobility patterns,
(3) previous referrals and/or provision of special services,
(5) language used in the home,
(6) progress (grades) and promotion history.

c. Review and observation of student's current academic, social, physical and emotional functioning levels:

(1) the student's instructional level in all basic skill areas, i.e., reading, writing, spelling, math,

(2) how the student's general academic, social, physical

765

Appendix B

SECTION DRAFT III

MINNESOTA DEPARTMENT OF EDUCATION

RECOMMENDED CRITERIA FOR:

EMOTIONAL/ BEHAVIORAL DISORDERS

Minnesota
Department of
Education

JANUARY 31, 1986

766 /

I. TERMINOLOGY

EMOTIONAL/BEHAVIORAL DISORDER

II. DEFINITION

Emotional/behavioral disorder refers to a condition characterized by one or more of the following behavior clusters.

- severely deviant disruptive, aggressive or implusive behaviors which are beyond the student's control;
- severely deviant withdrawn or anxious behaviors, general pervasive unhappiness, depression or wide mood swings;
- severely deviant thought processes manifested by unusual behavior patterns, atypical communication styles and distorted interpersonal relationships.

AND

WHICH RESULTS IN EITHER

- an inability to build or maintain satisfactory interpersonal relations with peers, teachers, and/or school personnel;

or

- failure to attain or maintain a satisfactory rate of educational progress which cannot be explained by intellectual, sensory, health, cultural, or linguistic factors.

AND

There must be assurance that the condition is not primarily the result of intellectual, sensory, health, cultural, linguistic, or chemical dependency factors. No student shall be identified or placed in an E/BD program solely for disciplinary or chemical dependency reasons.

III. ENTRANCE CRITERIA SCHOOL AGE

Within the educational setting the existence of an emotional/behavioral disorder requiring special education intervention is determined by the team specified in State Board of Education Rule 3525.2900 and, when necessary, P.L. 94-142 s 121 a. 344.

A. A condition must exist that is characterized by one or more of the clusters listed below:

1. severely deviant disruptive, aggressive, or impulsive behaviors which are beyond the student's control;

   Some examples of behaviors in this cluster are:

   a. argumentative, hostile, belligerent,
   b. developmentally inappropriate: e.g., temper tantrums in an older student,
   c. physically/verbally abusive,
   d. impulsively violent, destructive,
   e. seeks attention inappropriately with language or actions,
   f. lies, steals, cheats,
   g. intimidating, threatening to others,
   h. excessively antagonistic.

2. severely deviant withdrawn or anxious behaviors, general pervasive unhappiness, depression, or wide mood swings;

   Some examples of behaviors in this cluster are:

   a. isolates self from peers,
   b. overly perfectionistic,
   c. refuses to attend school,
   d. does not express emotion,
   e. displays a sad disposition,
   f. vascillates between extreme emotional states,
   g. develops physical symptoms related to stress.

3. severely deviant thought processes manifested by unusual behavior patterns, atypical communication styles, and distorted interpersonal relationships;

   Some examples of behavior in this cluster are:

   a. inappropriate affect,
   b. reality distortion,
   c. situationally inappropriate laughter, crying, sounds,
   d. self-mutilation or self-stimulation,
   e. inadequate, immature social-emotional development,
   f. fantasizing/hallucination/delusions of grandeur,
   g. rigid, ritualistic patterning,
   h. perseveration.

B. And the condition must result in either:

1. an inability to build or maintain satisfactory interpersonal relations with peers, teachers, and/or school personnel;

or

2. failure to attain or maintain a satisfactory rate of educational progress which cannot be explained by intellectual, sensory, health, cultural, or linguistic factors.

C. Additionally, must meet all four of the following criteria in order for the student to be eligible for special education emotional/behavioral disordered instruction and related services.

The condition:

1. has not been changed/improved by at least two planned and documented interventions applied in the school setting prior to referral;

   Procedures for planning and determining changes/improvements:

   a. Planning: A pre-referral team that minimally consists of the person concerned about the student, appropriate representative from regular education, administrator (or designee), and someone knowledgeable about intervention techniques designs the intervention.

   b. Changed/improved: The behavior is first charted as baselined using either frequency or product or duration as criteria. Improvement is indicated by a significant change toward goal from original baseline, for example:

      1) 15% change toward goal,
      2) significant change using the criteria established by planning team.

2. severely interferes with the student's or other students' academic and/or social/emotional growth;

   Procedures for determining that the condition interferes:

   a. With the student's academic and/or social/emotional growth.

      i) Academic: The student's academic performance is significantly discrepant from that of his/her peers. A minimum of two of the following sources are needed:

         a) Direct performance measures,
         b) Teacher ratings,
         c) Nationally normed tests,
         d) Locally normed tests.

769

ii) Social/emotional: (a minimum of two of the following sources are needed).

a) The student's responses on appropriate clinical instruments are significantly deviant from those of peers (examples of such instruments include projective tests, self report, rating scales),

b) The student's behavior is significantly discrepant from peers as measured by observations in school settings. At least two observations per setting should be done for a minimum of 20 minutes per observation.

c) The student's behavior is rated at least 1.5 standard deviations from the mean by the majority of the personnel who complete normed behavior rating scales.

d) The student's behavior is rated as significantly discrepant on locally developed behavior rating scales.

e) The student's behavior has not been significantly improved by two interventions planned and documented by the multi-disciplinary assessment team.

b. With other students' academic and/or social/emotional growth.

i) Academic: The student's behavior interferes with the on-task behavior of peers at least 10% of the time, as demonstrated by two 20 minute observations in a minimum of two school settings.

ii) Social/emotional: A minimum of five students initiated occurrence of physically aggressive, defiant and/or verbally threatening behavior aimed at peers and/or staff have been observed and documented during an eight week period.

3. is pervasive:

Procedures for verifying that the condition is pervasive.

It has been documented as occurring in more than one educational setting under school jurisdiction; for example, a behavior which occurs during both curricular and extra-curricular activities in different classrooms with different teachers or during non-class school activities under different supervisors.

4. is chronic or acute.

Verification procedures.

a) chronic: Evidence must exist that behavior(s) were apparent over a period of six calendar months prior to referral.

b) acute: The behavior is characterized by sudden onset or a crisis situation, e.g., harms self or others, violence, etc.

The team, when determining the existence of an emotional/behavioral disorder within the school setting, must give due consideration to a diagnosis of emotional disturbance made by a licensed mental health professional.

D. The team responsible for components A, B and C above must also determine that the behavior is not primarily the result of intellectual, sensory, health, cultural, or linguistic factors. No student shall be identified or assigned to a program for students with emotional behavioral disorders solely for disciplinary or chemical reasons only.

III. ENTRANCE CRITERIA: EARLY CHILDHOOD

A child below kindergarten age would meet entrance criteria as Emotional/Behavioral Disordered when the team has verified the following four components:

A. A condition must exist that is characterized by one or more of the clusters listed below:

1. severely deviant disruptive, aggressive, or impulsive behaviors which are beyond the student's control;

   Some examples of behaviors in this cluster are:

   a. argumentative, hostile, belligerent,
   b. developmentally inappropriate: e.g., temper tantrums in an older student,
   c. physically/verbally abusive,
   d. impulsively violent, destructive,
   e. seeks attention inappropriately with language or actions,
   f. lies, steals, cheats,
   g. intimidating, threatening to others,
   h. excessively antagonistic.

2. severely deviant withdrawn or anxious behaviors, general pervasive unhappiness, depression, or wide mood swings;

   Some examples of behaviors in this cluster are:

   a. isolates self from peers,
   b. overly perfectionistic,
   c. refuses to attend school,
   d. does not express emotion,
   e. displays a sad disposition,
   f. vascillates between extreme emotional states,
   g. develops physical symptoms related to stress.

3. severely deviant thought processes manifested by unusual behavior patterns, atypical communication styles, and distorted interpersonal relationships;

   Some examples of behavior in this cluster are:

   a. inappropriate affect,
   b. reality distortion,
   c. situationally inappropriate laughter, crying, sounds,
   d. self-mutilation or self-stimulation,
   e. inadequate, immature social-emotional development,
   f. fantasizing/hallucination/delusions of grandeur,
   g. rigid, ritualistic patterning,
   h. perseveration.

B. And the condition must result in either:

1. an inability to build or maintain satisfactory interpersonal relations with parent(s), other family members, peers, other significant adults;

OR

2. failure to attain a satisfactory level of developmental progress which cannot be explained by intellectual, sensory, health, cultural, or linguistic factors.

AND

C. Additionally, the team must substantiate that the condition has met the following criteria in order for the student to be eligible for Early Childhood; Special Education emotional/behavioral disordered instruction and related services:

The condition:

1. has not been changed/improved by at least two planned and documented interventions applied in a setting appropriate to the child's environment; i.e., home, day care, nursery school, etc., prior to special education placement, (Interventions may be a part of the assessment process).

AND

2. is pervasive; (occurs in more than one setting and with more than one adult),

OR

3. is acute; (see definition section).

The team, when determining the existance of an emotional/ behavioral disorder, must give due consideration to a diagnosis of emotional disturbance made by a licensed mental health professional.

D. The team responsible for verifying components A, B and C above must also determine that the behavior is not primarily the result of intellectual, sensory, health, cultural, or linguistic factors. No student shall be identified or assigned to a program for students with early childhood emotional/behavioral disorders solely for disciplinary reasons.

IV. CRITERIA FOR (1) A CHANGE IN PROGRAM AND (2) DISCONTINUANCE OF E/BD INSTRUCTION AND RELATED SERVICES

The team, after reviewing data collected over a predetermined period of time which documents academic and/or behavioral progress (observation, assessment results, reports, etc.), may propose:

1. A significant change which:

   a. necessitates the addition of special education instruction and related services because the data demonstrates documented lack of progress in the achievement of IEP goals and objectives; or

   b. allows the reduction of E/BD special education instruction, related and or support (e.g. transportation) services because the data: 1) demonstrates documented progress in the achievement of IEP goals and objectives; and 2) demonstrates during a predetermined trial period, the student's ability to function adequately with the reduced amount of special education and related services.

2. Discontinuance of E/BD special education and related services:

   a. when data documents that the student has: 1) achieved all IEP goals and objectives; and 2) demonstrated, during a predetermined trial period, the ability to function in regular education or other special education programs without the provision of special education instruction, related and/or support services; or,

   b. when the student has completed a secondary program and is eligible to graduate; or,

   c. when the student has been officially withdrawn from the district; or,

   d. when the student exceeds school age; i.e., 21.

V. DEFINITIONS

1. **Acute:**
   behavior which is characterized by sudden onset or a crisis situation.

2. **Beyond the student's control:**
   unpredictable breakdown of student's coping skills; behavior that does not appear to be volitional nor does it produce desirable consequences for the student,

3. **Changed/improved:**
   a significant improvement in the unacceptable behavor as determined by a specified criteria.

4. **Chronic:**
   documentation that the behavior(s) were apparent over a period of six calendar months prior to referral.

5. **Condition:**
   a state of being or the way in which the individual behaves.

6. **Criteria:**
   standards on which judgements may be based; rules or tests by which a judgement or something can be formed.

7. **Cultural:**
   behaviors that are considered socially acceptable within the intergenerational group to which a student belongs.

8. **Depression:**
   mood or quality characterized by feelings of sadness and low self-esteem that may include:
   1. passive, helpless, hopeless;
   2. oppositional, easily frustrated;
   3. self destructive, self defeating thoughts.

9. **Deviant:**
   characterized by significant departure from the emotional/behavioral norms of the peer group.

10. **Discrepancy:**
    at variance from the peer group. The extent of variance might be expressed as a discrepancy ratio, as years behind in the curriculum, or as standard deviation from the mean.

11. **Distorted:**
    misrepresented, misstated, deviating from usual condition.

12. **Intellectual:**
    the capacity to comprehend relationships and to think, to solve problems, to adjust to new situations, and the rate of learning new information.

13. **Intensity:**
    high strength, atypical concentration of energy in a deviant behavior.

14. Intervention:
    a strategy intended to enable a student to benefit from the regular education program.

15. Linguistic:
    of language/regarding language. Student may not be included or excluded because language skills are in a language other than the language of the school setting; e.g., Spanish.

16. Normed behavior rating scales:
    scales which provide norms that estimate the frequency of occurence of each behavior in persons of various demographic characteristics. Some normed behavior rating scales are:
    - Burks' Behavior Rating Scale (Burks, 1969)
    - Devereux Adolescent Behavior Rating Scale (Spivack, Spotts, and Haimes, 1967)
    - Devereux Child Behavior Rating Scale (Spivak and Spotts, 1966)
    - Devereux Elementary School Behavior Rating Scale (Spivack and Swift, 1967)
    - Peterson-Quay Problem Behavior Checklist (Quay and Peterson, 1967)
    - Pupil Behavior Inventory (Vinter, Sarri, Vorwaller, and Schafer, 1966)
    - Walker Problem Behavior Identification Checklist (Walker, 1970)

17. Observation:
    a systematic plan for watching a student, collecting data on a specific behavior and documenting the results.

18. Sensory:
    refers to the ability to perceive or obtain information by means of the sense organs, e.g. eyes, ears.

19. Severely:
    Less or more than is acceptable; an extreme.

20. Significantly:
    when the term is used in a local criteria statement, the district(s) must indicate which meaning they choose:
    1. statistically significant which is a mathematical estimate of the probability of the occurance of an event, behavior, score, etc.; or
    2. an adjective meaning momentous, having weighty consequences.

21. Teacher ratings:
    objective or subjective judgements and measurements made by a teacher which represents the student's educational progress, achievement levels, behavior, etc., within the classroom setting, (e.g., grades, instructional levels, presence, absence, or degree of behavior, etc.).

20. Mississippi

MISSISSIPPI:
[illegible]

REFERRAL-TO-PLACEMENT

PROCESS

3. No handicapped children are placed in structures separate from the regular school building, unless:

   a. no more than fifty (50) percent of all self-contained and fifty (50) percent of all resource classes for handicapped children in the attendance center are housed in such structures, classes serving a comparable number of nonhandicapped children are housed in comparable structures, and at least fifty (50) percent of such nonhandicapped classes are not Title I, ESEA, or
   b. the programs provided in the separate structures are so special that they cannot be provided in the regular school building.

When a handicapped child is resourced, he should be placed with nonhandicapped children of similar chronological age and social, emotional, and mental functioning.

Program Placement Options to Be Considered. The child's program and the amount of time spent with nonhandicapped children are based on the individual's needs as described in the IEP. Various options to be considered in implementing the child's IEP are:

1. Resource Program. A resource program is one in which the majority of the students in the program are involved daily with nonhandicapped peers in two or more classes, at least one of which is academic. The minimum number of students that may be served in a resource program is eight (8) while the maximum to be served is eighteen (18). A resource program may serve students who are self-contained. Teachers who serve language/speech handicapped students may serve a minimum of twenty-five (25) and a maximum of sixty (60) students.

2. Self-Contained Program. A self-contained program is one in which the majority of the students in the program are not resourced. The students in a self-contained program are not excluded from participating in activities with nonhandicapped students. The minimum number of students to be served in this kind of educational setting is five (5) and the maximum number is fourteen (14).

NOTE: The maximum number may vary when severely handicapped students are served. The maximum number allowable is ten (10), or twelve (12) with one full time aide and fourteen (14) with two full time aides. In determining placement for children with "autistic-like" behaviors, programming must depend on the implementation of the IEP. Even though these children have been ruled eligible for an emotionally handicapped, a physically handicapped, or some other kind of class, this type program may not be appropriate for them. No label should predetermine the services needed. The needs of the child as determined by the IEP process should be the basis for program placement for all children.

3. *Home/Hospital Program. This program is designed for children who, because of severe handicapping conditions or chronic illnesses, are unable to attend school with any regularity. Any child served in this type of program must have an eligibility ruling for a specific handicapping condition by a ST.*

a. Teacher. The teacher is one who meets certification requirements in the exceptionality area most prevalent among the group served.

b. Educational Services. The services of the home/hospital teacher will vary according to the types of handicaps, the ages, and the educational needs of the children served. Development of motor skills and success in accomplishment of activities of daily living may be major goals for some children, while for others the chief aim is to maintain academic progress to the extent expected in light of the child's physical condition and intellectual ability. Homebound instruction should include at least four hours per week of teacher time spent directly with the child, enhanced by activities carried out at home in accordance with the teacher's follow-up instructions. The student who can attend school for periods of time between active phases of his or her illness is expected to do so.

c. Minimum-Maximum Enrollments. A low student-teacher ratio is necessary because the students served by the home/hospital teacher will likely vary widely in ages, in educational levels, and in handicapping conditions, and because they may be located in widely separated areas throughout the school district. Districts that have fewer than five students, however, should consider contracting for services on an hourly basis. The minimum number of students to be served in this type class is five (5), and the maximum number is eight (8).

4. Program for Developmentally Delayed. Developmentally Delayed Programs are designed to provide services for children who display one or a combination of handicaps affecting learning and who are ages birth through 7. A child whose eighth birthday is after September 1, may continue in a program for the Developmentally Delayed for that year. However, a child who reaches his eighth birthday during the school year should not be placed in a program for the Developmentally Delayed for the first time. After a child leaves a program for the Developmentally Delayed, the child's IEP must be reviewed. Refer to procedures on pages 23-26 for review/revision of the IEP.

a. Teacher. The teacher is one who meets certification requirements in the exceptionality area most prevalent among the group served.

b. Educational Services. The services provided in this type of program will vary depending on the types of handicaps and the educational needs of the children. This program is designed to offer a variety of instructional activities to aid children in developing skills in order that they may achieve their maximum potential.

5. *Vocational Preparation Programs. Vocational Preparation Programs are designed to provide vocationally related services for handicapped children who are fourteen (14) and fifteen (15) years of age and who may be eligible for placement in a local school district's vocational training program. Children placed in these special vocational programs may only participate for a maximum period of two (2) years. At any point, after placing a child*

into a Vocational Preparation Program, it is determined that he or she can function in a specific regular vocational program, that child must be resourced into the appropriate regular vocational program in accordance with the IEP.

a. Teacher. *In most cases a teacher certified in at least one area of vocational education is paired with one or more special education teachers to provide the activities occurring in this program. The special education teacher(s) provides the academically related activities which are correlated with and supportive of the program's vocational component. The vocational teacher provides activities outlined below for up to twenty handicapped children assigned to the Vocational Preparation Program. It is strongly recommended that the children (maximum of twenty) being seen by the vocational teacher be seen by one special education teacher; this encourages the careful coordination between the two teachers that is necessary for the Vocational Preparation Program to function successfully. If there is more than one special education teacher paired with the vocational teacher, one of them must be given the major responsibility for communicating with the vocational teacher so that their instructional program will indeed support the vocational part of the program.*

b. Educational Services. *The first year of placement in a Vocational Preparation Program will be a period of evaluation to determine the child's vocational capabilities, limitations, and/or interests. Vocational exploration experiences in the vocational areas which are offered by the district in its regular vocational program should be emphasized. The second and final year provides vocational preparation activities needed by each child prior to entering the regular vocational program which has been determined to be best suited for his/her vocational potential and interest. In order to be effective in the evaluation and preparation phases, the school district must equip its Vocational Preparation Program to provide experiences for males and females in at least five areas relating to the district's existing vocational programs.*

Revised, August, 1983

SECTION V.M.

MINIMUM ELIGIBILITY CRITERIA FOR SPECIFIC HANDICAPPING CONDITIONS

DEAF-BLIND

Definition.

The deaf-blind child is one who has a combination of auditory and visual handicaps which cause such severe communication and other developmental and educational problems that the child cannot properly function in a special education program for the hearing impaired or for the visually impaired.

Minimum Criteria.

1. Teacher narrative
2. An ophthalmologist report
3. An audiological report
4. Physical Observation Form
5. Criterion referenced tests/skills checklists administered in the area(s) in which problems were found
6. Current standardized individual achievement test(s), if appropriate

EDUCATIONALLY HANDICAPPED (EdH)

Definition.

Children who are educationally handicapped exhibit learning problems which vary in degree of severity. These children have significantly subaverage intelligence existing concurrently with deficits in adaptive behavior and in academic functioning or performance. Such children may be classified as Educable Mentally Retarded (EMR), Trainable Mentally Retarded (TMR), or Severely Profoundly Retarded (S/Pr).

Minimum Criteria.

1. Teacher narrative
2. Hearing and vision results and any required follow-up reports
3. Physical Observation Form
4. Criterion referenced tests/skills checklists administered in areas in which problems were found
5. Current standardized test(s) providing information which concludes or indicates that:
    a. the child's academic functioning level is significantly subaverage as measured by an individual achievement test,
    b. the child has significant deficits in adaptive behavior as measured by an adaptive behavior scale; the informant must be knowledgeable of how the child functions outside the school environment, and
    c. the child's intellectual functioning is significantly subaverage as measured by an individual intelligence tests.

    Significantly subaverage intellectual functioning for EMR shall be considered two standard deviations to three and one-half standard deviations below the mean of the test administered. Significantly subaverage intellectual functioning for TMR shall be approximately

782

three and one-half to four and one-half standard deviations below the mean and severe/profound shall be below four and one-half standard deviations. The standard error of measurement may be taken into consideration. If the Wechsler Scales are used, the verbal and performance IQ scores must fall within the ranges above.

Significantly subaverage academic functioning shall be defined the same as intellectual functioning. If the achievement test used doesn't have standard scores, the results must be comparable to the ability level obtained on the intelligence test. As with intellectual functioning, there is some leeway due to the standard error of measurement. Any achievement score higher than one or two points above the two standard deviations below the mean must be justified.

Deficits on the Vineland Social Maturity Scale are considered to be two standard deviations below the mean. The mean on the Vineland is 99 with a standard deviation of 12.

Relates to line 38.

Q. Must an SDE approved examiner administer the instruments designed to detect emotional disturbance for a child suspected of being EmH?

A. No. The SDE has no requirements as to who may administer these tests. The examiner must be a professional who is competent to administer and interpret the instruments used.

Relates to line 38.

Q. Can observations be used in lieu of standardized instruments designed to detect emotional disturbances?

A. No, in most cases. In only instances where formal testing cannot be completed may reports based on observation and judgment be accepted; they should be accepted only if the report includes an explanation as to why formal testing could not be accomplished.

EMOTIONALLY HANDICAPPED (EmH)

Definition.

A child who is seriously emotionally handicapped exhibits some of the following characteristics over a long period of time and to a marked degree, and these characteristics adversely affect educational performance:

1. an inability to learn which cannot be explained by intellectual, sensory, or health factors,
2. inability to build or maintain satisfactory interpersonal relationships with peers and/or teachers,
3. inappropriate types of behavior or feelings under normal circumstances, and
4. a general pervasive mood of unhappiness or depression and/or a tendency to develop physical symptoms or fears associated with personal or school problems.

Minimum Criteria.

1. Teacher narrative
2. Hearing and vision results and any required follow-up reports
3. Physical Observation Form
4. Criterion referenced tests/skills checklists administered in areas in which problems were found
5. A compilation of specific school behaviors must be collected. If the child does not attend school, the information which describes specific behaviors must be obtained. The compilation of specific behaviors must be collected over a period of time to insure that children with temporary emotional problems and children with behavioral disorders are not recommended for an Emotionally Handicapped ruling. The length of time needed to collect data depends on the amount of time it takes to verify that behaviors indicate serious emotional disturbances that are consistently occurring. This collected data must be a continual log of behaviors observed during given periods of time. The setting of the observation(s), the task(s) the student is required to perform, the specific behaviors the child exhibited, and the responses and/or reactions of teachers and peers to the student's behaviors should be recorded to give an objective and accurate account of behaviors observed. The observer should refrain from drawing any conclusions.
6. Current standardized test including:
   a. individual achievement test(s),
   b. instruments which are designed to detect emotional disturbance, and
   c. individual intelligence test
7. A child who is suspected of being emotionally handicapped must be seen by a clinical psychologist, a psychiatrist, or SDE certified school psychologist. One of these professionals must state in a report that, based on his/her observations, the child is seriously emotionally handicapped in accordance with SDE definition.

Revised, August, 1983

HEARING IMPAIRED

Definition.

Hearing Impaired includes both deaf and hard of hearing persons. Deaf means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance. Hard of hearing means a hearing impairment, whether permanent or fluctuating, which adversely affects the child's educational performance. Hard of hearing children have sufficient hearing to allow them to process information through the auditory channel.

Minimum Criteria.

1. Teacher narrative
2. Vision results and follow-up, if required
3. An audiometric evaluation including a summary report regarding degree of severity, type of loss, use of hearing aid(s), speech reception thresholds, speech discrimination score, age of onset, if known, intervention, if any, and any additional pertinent information. *An audiogram must be included.*
4. Physical Observation Form
5. Criterion referenced tests/skills checklists administered in areas in which problems were found
6. Current standardized individual or group achievement test
7. An evaluation which assesses communicative skills

LANGUAGE/SPEECH

Definition.

Language/Speech Impaired means a communication disorder, such as stuttering, impaired articulation, a language problem, or a voice impairment, which adversely affects a child's educational performance. Children with language and/or speech impairments have disorders which interfere with or limit, to varying degrees, the child's ability to receive, interpret, formulate, or express oral language.

Minimum Criteria.

1. Part I, Part III-B, and #3 in Part V of the teacher narrative
2. Hearing screening results and any required follow-up reports
3. Orofacial examination and, if necessary, a statement from a medical specialist noting physical problems which would interfere with language/speech production
4. Criterion referenced tests/skills checklists administered in areas in which problems were found
5. Information relating to the child's measured ability to perform at a level higher than that measured in language/speech; *only the following may be used:*

    a. a specific functioning level in a specific academic area
    b. intelligence and achievement test scores

Relates to line 21.

Q. What should the evaluation of communicative skills for a Hearing Impaired child include?

A. This assessment should be comprehensive enough to describe how the child actually expresses himself. It might include information which relates to a) primary mode of communication, b) articulation skills, c) receptive and expressive language skills, d) sign vocabulary, if applicable, and e) intelligibility of conversational speech. This information could be gathered by observation, criterion reference/skills checklist or standardized tests. The information should be gathered by someone knowledgeable of the various communicative skills.

c. *a language test if it indicates a higher area of functioning. Example: a child has normal or near normal receptive language abilities compared to a deficit in expressive language. This language test may not be one of the two evaluation instruments submitted to substantiate a language problem.*

d. *a developmental scale for the severely handicapped or preschool child when none of the above are appropriate.*

In addition to the criteria listed above, the following must be gathered according to the area of impairment:

Articulation Impairment - defective production of phonemes (speech sounds) based on overall present level of functioning that interferes with speech. Types of misarticulations include: substitution of one phoneme for another, omission of phonemes in words, phonemic distortions and inappropriate additions of phonemes.

Additional information that must be gathered: two evaluation instruments, one which must be an analysis of connected speech. *One of these instruments must be a published articulation test; the other could be a criterion referenced test/skills checklist administered to determine present level of performance (listed under Minimum Criteria #4). Specific examples listing types of errors and any other pertinent information not obtained on the published articulation test should be submitted.*

At the beginning of each school year, each district must select developmental norms on articulation that all speech pathologists in the district will use. These norms will be submitted to the ST for use in making eligibility rulings.

Voice Impairment - abnormality in pitch, loudness, or quality resulting from pathological conditions or inappropriate use of the vocal mechanism that interferes with communication.

Additional information that must be gathered: two evaluation instruments, one which must be administered at least ten calendar days after the first, and a physician's statement of release and recommendation(s). *The two evaluation instruments may be the same measure and may be either a criterion referenced test/skills checklist, a published assessment tool, or a standardized instrument. The evaluation instruments must give a complete assessment of the different parameters of voice including pitch, laryngeal quality, resonance, and loudness.*

Fluency Impairment - disruptions in the normal flow of verbal expression that occur frequently, or are markedly noticeable and are not readily controllable by the child. These disruptions occur to such a degree that the child and/or the listeners evidence reactions to the manner of speech which impedes communication.

Additional information that must be gathered: *two evaluation instruments; one must be a published instrument. One of these instruments must be an analysis of dysfluent behavior in conversational speech. The conversational speech sample must include the number of stuttered words within a specific time frame. The two instruments used must indicate the number, types, severity, and secondary characteristics in as many settings as possible, i.e., reading, monologue and conversation.*

Language Impairment *- a disability resulting in an impaired ability to acquire, use and/or comprehend symbols utilized in communication.*

Additional information that must be gathered: two evaluation instruments which indicate an impaired ability in receptive and/or expressive phonology, morphology, syntax and/or semantics. At least one instrument must be a standardized instrument. One of these instruments could be a criterion referenced test/skills checklist.

Speech and/or language disorders may manifest themselves in degrees of mild, moderate, or severe and exhibited as disorders of articulation, voice, fluency, language, and/or as disorders associated with cleft palate, cerebral palsy or hearing loss. Persons with communicative disorders are those who exhibit severe language, articulation, fluency, voice or hearing impairments to such a degree that achievement and/or phycho-social adjustment is invariably affected and the condition is significantly handicapping. Persons with communicative deviations include those with moderate developmental or nonmaturational problems in language, articulation, fluency, voice, as well as those with a hearing loss requiring minimal aural rehabilitation procedures involving maintenance of

August, 1983

Relates to line 16.

Q. What type of physician should complete the follow-up required for voice therapy?

A. An ENT or other specialist who has expertise in the anatomy and physiology of the speech mechanism.

Relates to lines 31-32.

Q. For a child to be ruled language impaired, how much of an age gap must there be between the child's language skills and the child's measured ability to perform at a higher level?

A. Professional judgment must be used. For older children, a gap of two years might be considered; for younger children, a gap of as little as six months to one year might be considered.

adequate speech and voice quality, special classroom seating, and auditory training. The moderate degree of severity does not, however, eliminate the need for modified measures in order to permit these children to perform satisfactorily in the educational setting, although the frequency and nature of instruction may be programmed at a different level than those children with more severe impairments. Persons with communicative needs include those for whom activities should be provided to promote the development of adequate communicative skills and whose severity rating on the continuum of communicative problems is mild.

MULTI-HANDICAPPED

Definition.

A multi-handicapped child is one who has combination of disabilities which causes such a severe educational problem that the child cannot be accommodated in a special education program designed solely for one of the disabilities. The term does not include deaf-blind children.

Minimum Criteria.

In assessing and/or determining multi-handicapping conditions, the criteria for the following handicapping conditions must be met.

Emotionally Handicapped

Hearing Impaired

Educationally Handicapped

Physically Handicapped

Visually Impaired

PHYSICALLY HANDICAPPED

Definition.

Physically handicapped children are those whose orthopedic or other health impairments adversely affect their educational performance.

"Orthopedic impairments" include those caused by a congenital anomaly (i.e., clubfoot or absence of one or more members), impairments caused by disease (i.e., poliomyelitis or bone tuberculosis), and impairments resulting from other causes (i.e., cerebral palsy, amputations, and fractures or burns causing contractures).

"Other health impairments" cause limitations in strength, vitality, or alertness resulting from chronic or acute health problems such as heart conditions, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes. Federal guidelines indicate that "autistic-like" children may be ruled physically handicapped.

NOTE: The child who makes normal progress without special education even though he has a disability defined above must not be termed physically handicapped.

Minimum Criteria.

1. Teacher narrative
2. Hearing and vision results and any required follow-up reports
3. Physician's report, completed on Form DI-SE-F34, and physician's recommendations as to precautions, limitations, and beneficial programming procedures for the child

Relates to lines 17-18.

Q. If an obviously physically handicapped child is progressing satisfactorily in the academic areas but is in need of a specially designed physical education program, must a physically handicapped ruling be obtained?

A. Yes. However, if the child presently has an eligibility ruling for another handicapping condition, a physically handicapped ruling would not be necessary. In this case the specially designed P.E. program would be a related service.

4. Criterion referenced tests/skills checklists administered in areas in which problems were found
5. Current standardized individual achievement test, if appropriate

NOTE: The examiner should describe any adaptations that had to be made in the testing situation or procedure.

SPECIFIC LEARNING DISABILITIES

Definition.

A child with a specific learning disability is one who has a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

A student may be determined to have a specific learning disability if: (1) the student does not achieve commensurate with his or her age and ability levels in one or more of the areas listed in Number (2) below when provided with learning experiences appropriate for the student's age and ability levels; and (2) the multidisciplinary team finds that a student has a severe discrepancy between achievement and intellectual ability (is achieving less than could be expected according to ability) in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematics calculation or mathematics reasoning.

A student may not be determined to have a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of a visual, hearing, or motor handicap, mental retardation, emotional disturbance, or environmental, cultural, or economic disadvantage.

Determination of a severe discrepancy between ability and achievement. "Those with specific learning disabilities may demonstrate their handicap through a variety of symptoms such as hyperactivity, distractability, attention problems, concept association problems, etc. The end result of the effects of these symptoms is a severe discrepancy between achievement and ability. If there is no severe discrepancy between how much should have been learned and what has been learned, there would not be a disability in learning. However, other handicapping and sociological conditions may result in a discrepancy between ability and achievement. There are those for whom these conditions are the primary factors affecting achievement. In such cases, the severe discrepancy may be primarily the result of these factors and not of a severe learning problem. For the purpose of these regulations, when a severe discrepancy between ability and achievement exists which cannot be explained by the presence of other factors that lead to such a discrepancy, the cause is believed to be a specific learning disability." (Federal Register, 42 (250), 65085/Thursday, December 29, 1977).

August, 1983

Relates to lines 18-22.

Q. Could excessive absenteeism be an exclusion factor in a child being ruled eligible for SLD?

A. Yes. The federal SLD regulations, page 65082, state that a child may be ruled SLD "when provided with appropriate educational experiences." If a child has been absent excessively and appropriate educational experiences have not been provided, a SLD ruling cannot be obtained.

Minimum Criteria.

1. Teacher narrative
2. Hearing and vision screening results and any required follow-up reports
3. Physical Observation Form completed
4. Criterion referenced tests/skills checklists administered in areas in which problems were found (may come from information already gathered, see page 4)
5. Current standardized individual achievement test(s) and current comprehensive standardized individual intelligence test(s)

   When comparing academic and intellectual functioning using scores from instruments with identical means and standard deviations, the standard score of achievement is subtracted from the intelligence score to determine if the difference is equal to or greater than one standard deviation of the tests, i.e. 15 points for the Wechsler Scales. If the instruments used do not have identical means and standard deviations, then several formulae are available which modify the scores so that the standard score of the achievement test may be subtracted from the intelligence score.

   If the computations above do not indicate that there is a severe discrepancy (one standard deviation difference) between achievement in one of the seven areas and ability, and the decision is to use the information gathered in NOTE 1 and NOTE 2 below, then the following must occur:

   a. Compare the ability and achievement information to show that there is a severe discrepancy (one standard deviation difference).
   b. If the nature of the achievement and ability information does not allow comparison using standard deviations AND the Assessment Team still believes that the child is SLD, then a justification must be written using generally accepted processes* for determining SLD.
   c. As in all cases, all of the information gathered must support the SLD ruling.

   *Some such processes are: $\frac{2MA + CA}{3}$, Myklebust's Learning Quotient, Achievement Expectancy Formula.

NOTE 1. If some of the information listed below in a-d is found, this may indicate that the child has a greater ability than the intelligence test(s) show. Therefore, additional testing and/or further analysis of already completed testing should be done to confirm or reject this indication of a higher ability. Some of the ways this might be done are listed below:

   a. recategorization of subtest scaled scores
   b. intra-test analysis that suggests higher functioning than the traditional Verbal-Performance IQ scores
   c. inter-test analysis of skills patterns that suggests the higher level of functioning

Relates to lines 11-46; also relates to page 69, lines 1-11.

Q. What are the steps that must be used in determining a child to have a Specific Learning Disability?

A. Step 1 - There must be an age appropriate standardized test that yields standard scores in the deficit area. Subtract the standard score in the deficit area from the IQ score. If the difference is equal to or greater than one standard deviation of the tests and all other data support a learning disability, the child may be ruled SLD.

If there were no age appropriate tests with standard scores available for the deficit area and the test used to measure the deficit area yielded age or grade equivalents, achievement expectancy formulae must be used to determine a SLD.

Step 2 - If the computations do not indicate a severe discrepancy of at least a one standard deviation difference and the Assessment Team still feels strongly that the child is SLD, they must review the following for an indication of higher ability than the intelligence test shows:

a. recategorization of subtest scaled scores

b. intra-test analysis

c. inter-test analysis

d. achievement test scores

Anytime one or more of the above methods are used to show a higher ability than the IQ measures, there must be at least one more measure which confirms the ability level. This measure must be an IQ or achievement test.

Once an indication of higher ability has been obtained, subtract the standard score in the deficit area from the score of the test that indicates higher ability. If a difference of one standard deviation or more is found and all data support SLD, the child may be ruled SLD.

Step 3 - If, in Step 2, there were no age appropriate tests with standard scores available to indicate higher ability and subtraction to determine if there was at least a one standard deviation difference was not possible, the achievement expectancy formulae may be used to determine if there is a SLD. This situation should only occur in rare instances. Remember, when using achievement expectancy formulae as in all other cases, all data must support the SLD ruling.

If achievement expectancy formulae are used, the child should be achieving 2 or more years below his expected age or grade equivalent. The age of the child should be considered. If Myklebust's Learning Quotient is used, a learning quotient of .89 or less is indicative of a SLD.

August, 1983

Relates to lines 11-15.

Q. Is it appropriate for another achievement test that measures the deficit area to be administered after the IQ test?

A. No.

Relates to lines 11-15.

Q. If a < 65 standard score was obtained on an achievement test, may the < 65 be subtracted from the I.Q. test score to see if there is at least a one standard deviation difference for a SLD eligibility?

A. Yes. If there is not a one standard deviation difference and the Assessment Team feels strongly that the child is SLD, another achievement test in the deficit area may be administered to see if a score lower than 65 can be obtained. This situation of administering an achievement test in the deficit area after the IQ would be an exception to the regulations. The Assessment Team may also choose to try to support higher ability to see if a one standard deviation difference can be obtained.

Relates to line 34.

Q. Is current grade placement or expected grade placement used when computing Myklebust's Learning Quotient?

A. Current grade placement. The formula was designed to be used with a child's current grade placement. This should not be construed as being able to use current grade placement in other instances.

August, 1983

Relates to line 34.

Q. May Myklebust's Learning Quotient be computed with an IQ of less than 90?

A. No.

Relates to line 42.

Q. May the standard score in the deficit area be subtracted from the recategorized IQ to indicate at least a one standard deviation difference?

A. No. The other measure, an IQ or achievement test, that indicates higher ability must be used.

Relates to lines 43-46.

Q. In determining higher ability than the intelligence test shows using intra-test and inter-test analysis, what is considered an indication of higher ability?

A. When analyzing intra-test scatter, look for three (3) or more points above the child's mean on the Verbal or Performance Scale as an indication of higher ability. When analyzing inter-test scatter, look for three or more points above the test's mean (10) of the Verbal or Performance Scale.

800

d. when achievement test scores suggest a higher level of ability than the IQ scores represent, then at least one additional measure of cognitive ability that corroborates the existence of a higher level of ability must be completed (the choice of an appropriate instrument should be made carefully and with consideration of the student's possible basic psychological process abilities and disabilities).

Any time some of the above methods are used to show a higher ability than IQ measures and as in the case of achievement used to indicate ability (d. above), *there must be at least one additional measure, an intelligence or achievment test, which confirms the ability level.*

NOTE 2. It should be remembered that there must be a severe discrepancy between achievement and ability in at least one of the seven areas specified in the SLD definition. However, each area of apparent weakness as indicated via the Teacher Narrative, observation, or other sources of diagnositc data should be assessed.

An appropriate standardized achievement measure must be used in determining the current achievement level. In actuality, it is difficult to locate appropriate norm referenced instruments in all of the seven areas that are age appropriate and that meet adequate psychometric standards for reliability, validity, and standardization. It is the responsibility of the Assessment Team to determine the particular achievement measure that will be age appropriate and meet basic psychometric standards for use in individual decision-making. They should take into account in test selection measures that are specific to the seven academic areas for SLD consideration. Oftentimes, general wide-range achievement tests may not provide sufficient items or the stimulus-response demands that reflect normal classroom activities and expectations. Caution is urged therefore and the suggestion is made that a measure validated for measuring specific behaviors be used in addition to or in place of general individual achievement tests.

If no appropriate norm referenced instruments are available, the Assessment Team shall provide a statement to that effect and justify its choice and use of other measures to assess the particular skill area(s). There must be at least two measures which confirm the achievement level. Such measures might include: criterion referenced tests and skills and curriculum checklists. The initial assessment measure to be used should be chosen with caution and discretion. Factors to be considered, in addition to reliability, validity, and standardization are:

a. comparable types of derived scores as those of the ability level measures (of particular usage would be measures that provide standard scores with a mean of 100 and a standard deviation of 15).
b. use of achievement test data that is derived from the same base (grade vs. age) as the ability measure. Since most IQ tests use age as the normative base, it is recommended that age-based referencing be used in the achievement determination.
c. achievement test results should be verified as reflecting the best indication of the student's functional achievement level in the particular skill area. Lack of agreement between the two sources of data require further evaluation and/or exploration.

Relates to lines 8-11.

Q. Is it necessary to give another achievement test to support higher ability when two achievement measures indicating higher ability were given prior to the intelligence test?

A. No.

Relates to lines 8-11.

Q. If an area of achievement indicates higher ability, must an achievement measure that supports this ability be in the same achievement area?

A. No.

Relates to lines 8-11.

Q. If age appropriate standardized tests that yield standard scores are commercially available, must they be used when attempting to indicate higher ability?

A. Yes.

802

6. Completed Consideration for SLD Form (DI-SE-F3) (see Section V.CC.) The entire form is completed after all testing results are received and analyzed. The observation report can be attached to this form. (See Section V.DD.1 and DD.2 for suggested observation report.) Each required committee member must sign this form by the position represented or, if the form does not reflect his/her conclusions, the person must submit a separate statement presenting his/her conclusions. It is suggested that one person from the Assessment Team be present on this committee. This form (DI-SE-F3) meets requirements of P. L. 94-142, Mississippi State regulations and also contains information for educational programming.

NOTE: If there are any inconsistencies in data that were not justified by the LSC or Assessment Team, then the student should be ruled ineligible. The LSC and/or Assessment Team may then explain these inconsistencies or do more in-depth assessment to clarify inconsistent data. The areas in which the child is determined by a screening team to have a learning disability must be noted on the P.P.D.S. (see Section V.F.) and addressed on the student's IEP.

VISUALLY IMPAIRED

Definition.

Visually impaired children are those who have a visual impairment which, even with correction, adversely affects their educational performance, and are classified in one of the following ways:

1. Blind: Children who have so little remaining vision that they must use Braille as their reading medium.
2. Partially Sighted: Children who have a significant loss of vision but who are able to use regular or large print as their reading medium. Generally, these children will have a visual acuity between 20/70 and 20/200 in the better eye after correction.
3. Legally Blind: Children who have a visual acuity of 20/200 or less in the better eye after correction and/or a peripheral field so contracted that the widest diameter subtends an arc no greater than 20 degrees.
4. Other severe visual problems.

Minimum Criteria.

1. Teacher narrative
2. Hearing screening results and any required follow-up reports
3. A report from an eye specialist which includes the child's visual acuity and a statement of how the child's visual problem would affect his performance in school
4. Physical Observation Form
5. Criterion referenced tests/skills checklists administered in areas in which problems were found
6. Current standardized individual achievement test, if appropriate.

Relates to lines 2-3.

Q. When does the Consideration for SLD Form have to be completed?

A. After all assessment data has been collected, the Assessment Team (at least the 2 core members) meet first to analyze and interpret the data. The Assessment Team determines that there is a severe discrepancy. An SLD committee member other than the child's regular teacher observes the child and the SLD Form is completed by the committee. Then the Assessment Team writes the report.

Relates to line 33.

Q. What is meant by "other severe visual problems"?

A. Problems such as severe astigmatism and severe nystagmus are examples. The main point to remember is that "other severe visual problems" must be so severe that it is adversely affecting the child's educational performance in the regular classroom.

SECTION V.N.

PROCEDURES FOR HEARING AND/OR VISION FOLLOW-UP

If the LSC determines during Child Study that the child should remain in the regular classroom, the parents should be notified if the hearing and/or vision screening was failed.

If the child is referred for a Comprehensive Assessment and written parental permission for testing has been obtained, then an examination must be conducted by:

1. an audiologist who holds SDE or ASHA CCC audiological certification or a licensed ear, nose, and throat specialist if hearing was failed, and
2. a licensed ophthalmologist or optometrist if vision screening was failed.

A description of the follow-up examination and results must be written by the specialist. This report should also include how the conditions noted during the examination might interfere with educational testing and programming. The district must attach a copy of the report(s) to form DI-SE-F55 or the district's similar form. If the follow-up is for hearing, then the audiological report must contain the following:

1. type of loss exhibited,
2. recommendation for hearing aids,
3. speech reception thresholds and speech discrimination scores,
4. age of onset, if known,
5. degree of severity, and
6. intervention(s), if any.

The audiogram must also be attached to form DI-SE-F55 or the district's similar form.

Relates to lines 14-16.

Q. If the child fails vision screening and gets glasses, does the specialist still need to write a report?

A. If the child passes vision screening (using SDE criteria) wearing glasses, a statement from the specialist or district personnel must be submitted about the child's visual acuity using both eyes. If the child doesn't pass screening according to the SDE criteria, the specialist must state the child's acuity using both eyes and how the visual loss will affect testing.

Relates to lines 18-25.

Q. _If_ _all_ of the information in numbers 1-6 is on the audiogram, does the audiologist have to write a report?

A. No.

806

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The Ohio State University

807

Staff to Student Ratios: Class Size/Caseload

VOLUME 3

STATE RULES, REGULATIONS, AND GUIDELINES

(MISSOURI TO WISCONSIN)

Great Lakes Area
Regional Resource Center
The Ohio State University
May 1986

808

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Staff to Student Ratios: Class Size/Caseload

Great Lakes Area
Regional Resource Center
The Ohio State University
May 1986

810

This document is intended to provide information regarding state rules and regulations for staff to student ratios - class size/caseload for special education programs. Information is presented in two forms: short and long. Volume one (1), the short form, presents this information in chart form. The information has been grouped according to handicapping condition and compiled alphabetically by state. The charts include the state definition for the handicapping condition and a synthesis of the state policy regarding class size/caseload. Volumes two (2) and three (3), the long form, contains excerpts from State Rules and Regulations documents including: the definition for handicapping conditions; eligibility criteria; age range; and personnel qualifications. In some instances, it was necessary to excerpt information from more than one chapter of the state regulations. Therefore, page numbers may not always appear in consecutive or sequential order.

The following states are referenced:

Alabama
Arkansas
Arizona
Colorado
Connecticut
Delaware
District of Columbia
Florida
Georgia
Idaho
Illinois
Indiana
Iowa
Kentucky
Louisana
Maine
Maryland
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Rhode Island
Tennessee
Utah
Vermont
West Virginia
Wisconsin

Compiled by:

Shirley E. Butler,
Program Assistance Specialist

Great Lakes Area Regional Resource Center
The Ohio State University
161 Rightmire Hall
1060 Carmack Road
Columbus, Ohio 43210

1986

TABLE OF CONTENTS

PAGE

I. INTRODUCTION...7

II. CHARTS: STAFF TO STUDENT RATIOS - CLASS SIZE/CASELOAD BASED ON HANDICAPPING CONDITIONS..9

1. DEAF/HARD OF HEARING..11
2. MENTALLY RETARDED...29
3. MULTIHANDICAPPED..51
4. ORTHOPEDICALLY IMPAIRED & OTHER HEALTH IMPAIRED...................66
5. SERIOUSLY EMOTIONALLY DISTURBED...................................85
6. SPECIFICALLY LEARNING DISABILITY.................................109
7. SPEECH IMPAIRED..127
8. VISUALLY HANDICAPPED...145

III. STATE RULES, REGULATIONS AND GUIDELINES............................163

1. Alabama
2. Arkansas
3. Arizona
4. Colorado
5. Connecticut
6. Delaware
7. District of Columbia
8. Florida
9. Georgia
10. Idaho
11. Illinois
12. Indiana
13. Iowa
14. Kentucky
15. Louisiana
16. Maine
17. Maryland
18. Michigan
19. Minnesota
20. Mississippi
21. Missouri
22. Montana
23. Nebraska
24. Nevada
25. New Hampshire
26. New Jersey
27. New Mexico
28. New York
29. North Carolina
30. North Dakota

III. STATES RULES, REGULATIONS AND GUIDELINES (cont'd)

31. Ohio
32. Oklahoma
33. Oregon
34. Pennsylvania
35. Rhode Island
36. Tennessee
37. Utah
38. Vermont
39. West Virginia
40. Wisconsin

INTRODUCTION

Direct contact with state departments of special education and review of rules, regulations and guidelines for special education programs indicates that 12 of the 40 states referenced in this document do not have specific staff to student ratios for class size/caseload. In those states, class size/caseload is based on instructional need, rather than handicapping conditions.

Specific Staff to Student Ratios for Special Education Programs*

- Alabama
- Arkansas
- Colorado
- Delaware
- District of Columbia
- Georgia
- Iowa
- Kentucky
- Louisiana
- Maine
- Michigan
- Minnesota
- Missouri
- Montana
- Nebraska
- Nevada
- New Jersey
- New York
- North Carolina
- North Dakota
- Ohio
- Oklahoma
- Pennsylvania
- Rhode Island
- Utah
- West Virginia
- Wisconsin

Class Size/Caseload Based on Instructional Need

- Arizona
- Connecticut
- Florida
- Idaho
- Indiana
- Maryland
- Mississippi
- New Hampshire
- New Mexico
- Oregon
- Tennessee
- Vermont

* There may be exception for some handicapping conditions.

III. STATE RULES, REGULATIONS AND GUIDELINES

21. Missouri

Fiscal Year 1984-86
State Plan for Part B of the Education of the Handicapped Act As Amended By Public Law 94-142

Missouri Department of Elementary and Secondary Education
Arthur L. Mallory, Commissioner of Education

Missouri State Plan
for
Special Education
FY 84-86

Missouri Department of
Elementary and Secondary Education
P.O. Box 480
Jefferson City, Missouri 65102

RESOURCE GUIDE FOR
SPECIAL EDUCATION

Volume I-B

-Identification and Initial Programming-

July, 1983

Prepared by Section of Special Education

Department of Elementary and Secondary Education

FOREWORD

In recent years, many teachers and school administrators have been preoccupied by legal and administrative concerns as they have attempted to implement sweeping new policies concerning education of the handicapped. The real test for successful special education, however, should be how adequately our instructional programs meet the academic, vocational and personal needs of students.

The purpose of this guide is to offer Missouri educators practical suggestions about instruction, program management and administrative procedures. Developed at the request of local school personnel, this guide is not a "regulatory" document. All of the guides in this series are intended to be informative and convenient resources for all school districts as they provide services for handicapped children and youth.

The Department of Elementary and Secondary Education hopes this guide is helpful. It is printed in loose-leaf form to allow appropriate additions and changes in the future.

Arthur L. Mallory
Commissioner of Education

III. TEACHER AIDES

Upon application to the Director of Special Education, local districts and special districts may be approved to provide teacher aides for handicapped students.

A. A school district or special district establishing classes for handicapped students which require use of a teacher aide as part of the student's program shall make application to the Section of Special Education through the Application for Classification. Aides will generally not be approved for classes with class size below the minimum standards established for each service alternative.

B. Teacher aides must meet the requirement for "teacher clerks" or "teacher assistants" as provided in the Handbook for Classification and Accreditation of Public School Districts in Missouri and shall perform such duties as are set forth therein and which are directly related to the assigned special education program. "Teacher clerks" shall not be approved for performance of any supervised or unsupervised instructional duties.

C. Approval for aides not meeting the standards set forth above may be granted when the request for approval includes an appropriate description of services to be rendered and the specific qualifying characteristics and experiences of such persons. Such requests must be submitted to and approved by the Director of Special Education.

IV. DEFINITIONS AND CRITERIA FOR INITIAL DETERMINATION OF ELIGIBILITY

It is the policy of the State Board of Education that the determination of a student's handicap should be made after the student's performance is measured by a series of appropriate tests relative to the level of functioning of his immediate peer group, such as the students of that school district or districts similar in cultural and ethnic nature and in the level of educational programs. School districts should determine the eligibility of each student after consideration of those factors.

A-1 Mental Retardation

Mental retardation refers to significantly subaverage general intellectual functioning which exists concurrently with deficits in adaptive behavior and is manifested during the developmental period, which adversely affects a child's educational performance.

For educational purposes mental retardation is classified by degree of impairment:

> The "Mild-Moderate" mentally retarded are those students who are capable of academic, social, and vocational training, but require specialized instruction to realize maximum skill development and meaningful integration into adult society.
>
> The "Severe" mentally retarded are those students who have potential for training in self-care, social adjustment, and vocationally-related areas rather than academic. During adulthood they may function profitably at home and/or in specialized situations, such as sheltered workshops and supervised living experiences.
>
> The "Profound" mentally retarded are those students who are retarded to the extent that they are capable of very little self-care and must have constant attention to survive.

A-2 Criteria for Initial Determination of Eligibility

The "mild-moderate" mentally retarded generally perform significantly below their peers of equivalent age, ethnic, and cultural background when measured by like standardized instruments of cognitive ability and adaptive behavior. The measure of the student's intelligence quotient (IQ) provides one (1) of the several indications of the student's performance level. Generally, these students perform on formal tests of intelligence and adaptive behavior at a level of one-half (1/2) to three-fourths (3/4) that of their normal peers on like standardized instruments.

The "severe" mentally retarded generally perform on measures of intelligence, social skills, adaptive behavior, and self-care skills at a level one-half (1/2) or less than that of normal students of equivalent age and ethnic-cultural background when measured by like standardized instruments of cognitive ability and adaptive behavior.

B-1 Specific Learning Disabilities

"Specific learning disability" means a disorder in one (1) or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain disfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

B-2 Criteria for Initial Determination of Eligibility

1. The multidisciplinary team may determine that a student has a specific learning disability if:

    a. The student does not achieve commensurate with his or her age and ability levels in one (1) or more of the areas listed in paragraph (1) (b) of this section, when provided with learning experiences appropriate for the student's age and ability levels.

    b. The team finds that a student has a severe discrepancy between achievement and intellectual ability in one (1) or more of the following areas:

        (i) Oral expression
        (ii) Listening comprehension
        (iii) Written expression
        (iv) Basic reading skill
        (v) Reading comprehension
        (vi) Mathematics calculation
        (vii) Mathematics reasoning

    c. A severe discrepancy can be determined when the obtained achievement scores are below the mean of the distribution of achievement scores predicted from intellectual functioning. The following deviations are considered significant:

Grades K-2	.75 Standard Deviation
Grades 3-9	1.00 Standard Deviation
Grades 10-12	1.50 Standard Deviation

Caution: The severe discrepancy criteria is a procedure for establishing that an academic discrepancy exists which is a requirement of state and federal law. However, the critbria cannot be considered to be synonymous with an operational definition for determining the presence of a learning disability. This process alone is insufficient for the identification of students with learning disabilities. Meeting the discrepancy criteria can be a result of several factors, with a learning disability being one (1) of the possible reasons. The multidisciplinary team may document through its formal and informal assessment that a significant discrepancy exists although the deviations may not equal the formula above. In such cases the judgement of the team may be considered, provided that sufficient data for nonstandardized and informal assessments can document the discrepancy.

2. The team may not identify a student as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of:

   a. A visual, hearing or motor handicap
   b. Mental retardation
   c. Emotional disturbance
   d. Environmental, cultural, or economic disadvantage

   The learning disabilities eligibility criteria must be read in the context of the "Protection in Evaluation Procedures" section of this plan. The separate set of regulations applying to PL 94-142, which are concerned solely with specific learning disabilities (Section 121a.540-121a.543), have been incorporated within the "Protection in Evaluation Procedures" section of the Missouri 1984-86 State Plan, and, therefore, are required procedures for any student who is receiving a comprehensive evaluation.

C-1 Behavioral Disorders/Emotionally Disturbed

Behavioral disorders/emotionally disturbed refers to manifestations such as the following exhibited over an extended period of time and to a marked degree:

a. Difficulties in learning that cannot be explained by cultural, intellectual, sensory, or other health factors;

b. Difficulties in building or maintaining satisfactory interpersonal relationships with peers, parents, and teachers;

824

c. A general pervasive mood of unhappiness or depression; and

d. A tendency to develop physical symptoms, pains, or fears associated with personal or social problems.

C-2 Criteria for Initial Determination of Eligibility

a. A team may determine that a child is behavior disordered/ emotionally disturbed if there is:

1. Evidence that the student, after receiving supportive educational assistance and counseling services provided routinely for all students, still exhibits significant disturbance.

2. Evidence that the disturbance interrupts the student's academic progress and/or adaptive functioning.

3. Evidence that significant disturbance, as determined by documented observations and psychological evaluation, exists over an extended period of time. In most cases, an extended period of time would be a range from 2-9 months depending upon the age of the student and the type of behavior occurring. For example, a shorter duration of disturbance which interrupts the learning process in a younger child might constitute an extended period of time.

4. Evidence that the primary problem of the student cannot be attributed primarily to cultural, physical, sensory, or intellectual deficits.

A disturbance can be observed to be transient, temporary, pervasive, or intensive. Relating this to education then one would observe:

1a. Student who experience and demonstrate problems of everyday living. (normal)

b. Students who develop a greater number and degree of symptoms as a result of specific crises or stressful experiences such as death of a parent, divorce, etc. (transient)

These students will require supportive educational assistance and counseling services provided routinely for all students.

Transient symptomatic behavioral variation to immediate situations of the home, school, or community with no evidence of prolonged definitive disturbance should not be considered as criteria for placement in behavioral disorder programs.

2. Students who develop a greater number and degree of symptoms and who have been determined eligible through systematic observations over an extended period of time, and psychological evaluation will require special education and related services.

3. Students with moderate recurring and fixed symptoms and who have been determined eligible through systematic observations over an extended period of time, and psychological evaluation by a professionally trained psychologist or psychiatrist will require a highly structured environment and more intensive special education and related services.

4. Students with fixed and recurring symptoms and who have been determined eligible through systematic observation over an extended period of time, and psychological evaluation by a professionally trained psychologist or psychiatrist will require a more restrictive environment for special education and related services.

Accordingly, for educational purposes, students described above in 2-4 may be determined mild, moderate, or severe behavior disordered respectively.

When a severely disturbed student is admitted to a residental treatment in a facility operated by the Department of Mental Health, the district may have educational responsibility in whole or in part (Section 162.970, RSMo.) provided that the student can safely, prudently, and meaningfully participate in an educational program outside the residential facility. Otherwise, Article IV, Section 37 (a) of the Missouri Constitution places educational responsibility with the Department of Mental Health.

In instances where a severely disturbed student is admitted to residential treatment by contractual arrangements through a state agency, the district may submit information to the State Schools for Severely Handicapped for determination of eligibility for the special education portion of the residential placement. See Appendix B for further description of the required procedures.

D-1 Visually Impaired

Visually impaired is a generic term, including both partially sighted and blind, which refers to students with any type of visual impairment and which, even with correction, adversely affects the child's educational performance.

"Partially sighted" refers to the presence of visual acuity so limited as to require specific educational compensation of a significant nature in order for the learning needs of the student to be met adequately by the school. Generally, the partially sighted student has a central visual acuity range of 20/70 to 20/200 in the better eye with best correction by glasses.

"Blind" refers to visual acuity so limited as to require a comprehensive educational program using large print and recorded materials, mobility training, braille skills, self-help, and daily-care skills development. Generally, the blind student has a central visual acuity of 20/200 or less in the better eye after best correction by glasses or peripheral vision of 20° or less.

D-2 Criteria for Initial Determination of Eligibility

The comprehensive assessment data upon which a diagnosis of visual impairment is made shall include optometric or physician reports from a qualified optometrist or physician in addition to the educational reports which establish the educational deficit.

Resource personnel at the Missouri School for the Blind are available to assist school districts in many aspects of providing special education and related services to visually handicapped students.

E-1 Speech and Language Disorders

A "language disorder" is reduced ability, whether developmental or acquired, to comprehend or express ideas through spoken, written, or gestural language. The disorder may involve form of language (sounds and sound combinations, forming words, or putting words together in sentences) which is determined by the phonologic, morphologic, and syntactic systems. The disorder may involve the content of language (the meaning of words and combinations of words) which is determined by the semantic system. The disorder may involve the function of language in communication which is determined by the pragmatic system. Language disorders are, therefore, classified as disorders of form, content and/or function.

A "speech disorder" is difficulty with the mechanics of speech production when speech is the mode of expressing language. Speech disorders may be observed in voice, articulation, or fluency, or in any combination of the above.

E-2 Criteria for Initial Determination of Eligibility

Students who are candidate for speech and/or language services should be so determined following comprehensive assessment and diagnosis from a qualified speech and language specialist.

Students who are candidate for speech and/or language services should be so determined following comprehensive assessment and diagnosis from a qualified speech and language specialist. Unlike other disability categories, these students may not require multidisciplinary assessment, although the possibility of such need should not be ignored if evidence warrants.

"Speech and language" services are also indicated for those students whose speech deviates so far from others of a peer group that it interferes with communication, adversely affects the student's self-image and/or academic performance.

NOTE: Mild speech and language delays do not constitute a handicapping condition under current definition. For these students, organized and sequenced curricular activities should be provided to promote development of adequate communication skills as a part of their overall academic program.

Students with communication differences/dialects and students who are bilingual or non-English speaking are not considered to have language or speech disorders. Dialectal influences and the inability to use American English as a primary means of oral communication, while requiring special school management, do not constitute a handicapping condition under current definitions.

The speech-language specialist will not provide services to these children individually nor will an IEP be developed for them.

F-1 Hearing Impaired

"Hearing impaired" is a generic term including both deaf and hard of hearing which refers to students with any type or degree of hearing loss that has caused an educational deficit.

"Deaf" refers to those hearing impaired students with a loss so severe that it precludes the use of the auditory channel as the primary means of developing speech and language skills.

"Hard of hearing" refers to those hearing impaired students with a permanent or fluctuating loss which is less severe and permits the use of the auditory channel as the primary means of developing speech and language skills.

F-2 Criteria for Initial Determination of Elgibility

The comprehensive assessment data upon which a diagnosis of hearing impaired is made shall include reports from a qualified audiologist and licensed physician in addition to the educational reports which establish the educational deficit.

Resource personnel at the Missouri School for the Deaf are available to assist school districts in many aspects of providing special education and related services to hearing impaired students.

G-1 Physically Impaired/Other Health Impaired

Physically and Other Health Impaired children will have a medically diagnosed physical or physiological condition causing educationally related problems. These conditions will require

828

specific material modification, special adaptation, special equipment or therapies. Special education personnel serving these children generally hold certification for the orthopedically impaired.

a. Physically Impaired

1. Physically impaired may refer to muscular or neuromuscular conditions which significantly limit the ability to move about, sit, or manipulate the materials required for learning.

2. Skeletal abnormalities which affect ambulation, posture, and body use necessary in school work.

b. Health Impaired

Health impaired may refer to disabilities which result in reduced efficiency in school work because of temporary or chronic lack of strength, vitality, or alertness due to health problems.

G-2 Criteria for Initial Determination of Eligibility

Written confirmation of the following from a licensed physician:

1. Definitive diagnosis of a physical or health impairment.

2. Listing and explanation of physical limitations.

3. Listing of any unusual or significant medically related symptoms or behaviors.

Verification, through appropriate assessments, that the physical and other health impairment(s) interfere(s) with the child's ability to function in a school program using traditional instructional materials and techniques.

In order to be eligible for a program, the physical and/or other health impairment must be the primary or major educationally related handicap and appropriate assessment shall have been administered and evaluated by a multidisciplinary team.

Medical consultation should be encouraged on a continuing basis, especially when school authorities feel there has been a change in a child's behavior or educational function or when new symptoms are detected.

H-1 Multihandicapped

Students who are multihandicapped have concomitant impairments (such as mentally retarded-orthopedically, etc), the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments.

H-2 Criteria for Initial Determination of Eligibility

Students requiring multiple special education and related services should present clear and convincing evidence through competent multidisciplinary assessment that either or all disabilities adversely affect the educational performance and that the special services prescribed by qualified professional personnel to improve or enhance such performance.

I-1 Deaf/Blind

Deaf/Blind means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children.

I-2 Criteria for Initial Determination of Eligibility

Students who are deaf/blind generally have one (1) or more of the other conditions identified as multi-handicapped. However, the devastation of the impairment of the two (2) primary sensory modalities (vision and hearing) require that the educational considerations of the deaf/blind be addressed as a separate category of disability. Therefore, deaf/blind students should have their comprehensive multidisciplinary assessment and diagnosis reflect the professional recommendations of audiologists, otolaryngologists, speech and language specialists, as well as opthalmologists and other medical personnel as may be required.

J-1 Autistic

Recent research indicates autism is a neural-physiological impairment which manifests a behaviorally defined syndrome which occurs in children of all levels of intelligence. Children with autism require uniquely coordinated medical and psychoeducational assessment and closely supervised behaviorally-oriented program development.

J-2 Criteria for Initial Determination of Eligibility

The essential features of autism are typically manifested prior to thirty (30) months of age and include severe disturbances of developmental rate and/or sequence of responses to sensory stimuli of speech, language, cognitive capacities, and the ability to relate to people, events, and objects. Programs serving autistic youngsters should be closely tied to an ongoing medical and psychoeducational assessment team to assure measurement of fine increments of behavioral change.

V. EARLY CHILDHOOD SPECIAL EDUCATION SERVICES

Educational services to handicapped students under age five (5) are permitted and encouraged. The goal of all Early Childhood Special Education programs is to enhance the capability of the child for successful school achievement commensurate with their ability.

The formal concept of early childhood education includes a process by which children from preschool age through the primary years become involved in a structured program of educational experiences, including participation by their parents and family members. The need for such experiences by handicapped and severely handicapped children is amplified; therefore, funding is provided to assist in the development of special education components of early childhood programs. Early Childhood Special Education includes an identification and diagnostic program for such preschool students including formal and informal measures of developmental growth, intelligence, motor and sensory development, language, physical health, clinical evaluation, data gathered by interview with the parents, and other indicators of existing or suspected handicapping conditions.

Eligibility Criteria

Eligible students include those students three (3) and four (4) years of age who have been diagnosed by a multidisciplinary team as having a mental, physical, or behavior disorder* which indicates the student's level of performance to be significantly below the level of development expected for that age, and which requires an individualized education program.

Administrative Procedures

All special education administrative requirements such as procedural safeguards, multidisciplinary evaluation, individualized education programs, least restrictive environment, and due process are applicable to Early Childhood Special Education programs.

Approvable class size is 6-10 students per teacher. Requests for approval of classes of fewer or more students may be approved by the Director of Special Education when accompanied by a narrative describing the nature of the handicap and the rationale for requesting special approval specifically as it relates to the individualized education program.

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*Children exhibiting significant delays in language, sensory, or motor development whose diagnosis is unclear as to cause, may be included for funding purposes in order for the program to enhance the determination of the cause as well as to provide timely intervention.

For each approved class of students under five (5) years of age but not under the age of three (3), upon application, the district shall receive Exceptional Pupil Aid reimbursement at one-half (1/2) the full-time rate. When eligible students are served with nonhandicapped children, Exceptional Pupil Aid reimbursement is prorated accordingly.

Program Considerations

Effective early intervention implies individually developed educational programs for each student, precision teaching demonstrated by teachers and reinforced at home by parents, ongoing evaluation of progress, and the development of alternate teaching/learning strategies as needed.

Since the family is most often the primary and most significant influence in the life of the student, early education programs should support and assist parental involvement.

School and community resources should be fully utilized in order to make health and mental health services available as needed, as well as specialized programs and services related to various handicapping conditions.

Ongoing communication and coordination between the early childhood program and the mandatory school program are essential in order that the student's progress may be continuous.

VI. APPROVABLE CLASS SIZE AND CASELOADS

The standards reflect approvable teacher loads at any given time during the school year. Variations may be approved upon request to the Director of Special Education, Department of Elementary and Secondary Education. Justification for approved variations may include, but not be limited to, consideration of the availability of certified personnel, the incidence of eligible children, their specified IEP requirements, and the availability of alternative resources for service.

	Educational Resource Teacher	Itinerant Teacher	Resource Room	Self Contained
Mental Retardation	15-25 students for each approved caseload	10-20	10-20	6-10
Specific Learning Disabilities		10-20	10-20	6-10
Behavior Disorders		10-20	10-20	6-10
Physically & Other Health Impaired		10-20	8-15	5-8
Visually Impaired		10-20	8-15	5-8
Hearing Impaired		10-20	8-15	5-8
Multiply Handicapped		---	6-10	4-6
Deaf/Blind		---	6-10	4-6
Autistic		---	6-10	4-6
Speech and Language Disorders		40-60	8-15	6-10
Severely Handicapped		---	---	6-10
Early Childhood Special Education	6-10 students for each approved class			

22. Montana

Special Education

Reference Manual

Montana Laws and Rules

December 1983

State of Montana
Office of Public Instruction
Ed Argenbright, Superintendent
Helena, Montana 59620

(d) comprehensive evaluation for each handicapped child; and
(e) other policies needed to assure a free and appropriate public education.

(2) The Superintendent of Public Instruction shall promulgate rules to administer the policies of the Board of Public Education.

3.0 DEFINITIONS (20-7-401)

3.1 "Appropriate public education" means the provision of regular or special education and related aids and services that are designed to meet individual educational needs of handicapped persons as adequately as the needs of nonhandicapped are met.

3.2 "Deaf" means a hearing impairment which is so severe that the child's hearing is nonfunctional for the purpose of educational performance.

3.3 "Deaf/blind" means concomitant hearing and visual impairments, the combination of which causes such severe educational problems for the child so impaired that the child cannot be accommodated in a special education program designed solely for deaf or blind children.

3.4 "Emotionally disturbed" means a condition exhibiting one or more of the following characteristics to a marked degree and over a long period of time: an inability to learn which cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms, pains, or fears associated with personal or school problems. The term does not include children who are socially maladjusted. The emotionally disturbed category may include students who also may have been diagnosed by appropriate specialists as psychotic, sociopathic, or schizophrenic. An emotionally disturbed child's disorders are not primarily the result of problems with visual acuity, hearing impairment, physical handicaps, cultural or instructional factors, or mental retardation. "Emotionally disturbed" refers to a person who has been identified, based on a comprehensive evaluation, as having observable behavioral patterns which seriously inhibit the academic and social or emotional growth of the individual or the educational rights of others to the point that supportive services are required. These behavioral patterns may include:
(a) excessive physical or verbal aggression toward oneself or others and a lack of response to regular educational intervention;
(b) high frequency of persistent inattention to academic or social tasks associated with regular classroom performance; and
(c) persistent withdrawal from peer or adult interactions associated with the expected social development in a regular educational environment.

3.5 "Handicapped child" means a child evaluated as being mentally retarded, hard-of-hearing, deaf, speech-impaired, visually handicapped, emotionally disturbed, deaf/blind, multihandicapped, orthopedically impaired, other health-impaired, or as having specific learning disabilities, who because of those impairments needs special education and related services.

3.6 "Hard-of-hearing" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included within the definition of deaf.

3.7 "Mentally retarded" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance.

3.8 "Multihandicapped" means concomitant impairments (e.g., mentally retarded/blind or mentally retarded/orthopedically impaired), the combination of which causes such severe educational problems for the child so impaired that the child cannot be accommodated in a special education program designed solely for one of the impairments. The term does not include deaf/blind children.

3.8.1 Criteria for Identification of Student as Multihandicapped (Policy Statement)

(1) The student must be considered as a full-time special education student, i.e., that they spend more than 50 percent of their time in school in special education or related services.

(2) The student must have a minimum of two contributing handicapping conditions. If the student has only two, one cannot be speech impaired.

(3) One of the contributing handicapping conditions must be mental retardation, hearing impaired, deaf, visually handicapped, orthopedically impaired or other health impaired.

(4) A child who is deaf and blind is not to be labeled multihandicapped but rather deaf/blind.

3.9 "Orthopedically impaired" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes but is not limited to impairment caused by congenital anomaly (e.g., clubfoot or absence of some member), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., fractures or burns which cause contractures, amputation, cerebral palsy).

3.10 "Other health-impaired" means:

(a) having an autistic condition that is manifested by severe communication and other developmental and educational problems; or

(b) having limited strength, vitality, or alertness due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle-cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes.

3.11 "Related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped child to benefit from special education and includes speech pathology, audiology, occupational therapy, and physical therapy.

3.12 "Special education" means specially designed instruction, given at no cost to the parents or guardians, to meet the unique needs of a handicapped child, including but not limited to classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions.

3.13 "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. The term includes but is not limited to such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; mental retardation; or environmental, cultural, or economic disadvantages.

3.14 "Speech/language impaired" means a communication disorder such as stuttering, impaired articulation, or a language or voice impairment which adversely affects a child's interpersonal relationships or educational performance.

3.15 "Visually handicapped" means a visual impairment which, after correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children.

4.0 RESPONSIBILITIES OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

4.1 Duties of Superintendent of Public Instruction (20-7-403)

The Superintendent of Public Instruction shall supervise and coordinate the conduct of special education in the state by:

(1) recommending to the Board of Public Education adoption of those policies necessary to establish a planned and coordinated program of special education in the state;

(2) administering the policies adopted by the Board of Public Education;

(3) certifying special education teachers on the basis of the special qualifications for such teachers as prescribed by the Board of Public Education;

(4) establishing procedures to be used by school district personnel in identifying handicapped children;

(5) recommending to districts the type of special education class or program needed to serve the handicapped children of the districts and preparing appropriate guides for developing individual education programs;

(6) seeking, for local districts, appropriate interdisciplinary assistance from public and private agencies in diagnosing the special education needs of children, in planning programs, and in admitting and discharging children from such programs;

(7) assisting local school districts, institutions, and other agencies in developing full service programs for all handicapped children;

(8) approving, as they are proposed and annually thereafter, those special education classes or programs which comply with the laws of the state of Montana, policies of the Board of Public Education, and the regulations of the Superintendent of Public Instruction;

(9) providing technical assistance to district superintendents, principals, teachers, and trustees;

(10) conducting conferences, offering advice, and otherwise cooperating with parents and other interested persons;

(11) acting as the coordinating agency with federal agencies, other state agencies, political subdivisions of the state, and private bodies on matters concerning special education, reserving to the other agencies and political subdivisions their full responsibilities for other aspects of the care of children needing special education;

(12) administering regional special education services for children in need of special education in accordance with policies of the Board of Public Education; and

(13) contracting for the delivery of audiological services to those children allowed by Montana law in accordance with policies of the Board of Public Education.

4.2 State Operated Educational Program (Policy Statement)

The Office of Public Instruction has the responsibility to ensure compliance of state operated educational programs, including on-site monitoring. In addition, educational standards have been jointly developed by the Office of Public Instruction, the Department of Institutions and representatives of the state operated programs. These standards, in addition to fully detailing educational standards applicable to institutional facilities, delineate the monitoring role of the Department of Special Services of the Office of Public Instruction.

5.0 ESTABLISHMENT OF SPECIAL EDUCATION AND COMPULSORY ATTENDANCE

5.1 Regular Classes Preferred--Obligation to Establish Special Education Program (20-7-411)

(1) All handicapped children in Montana are entitled to a free appropriate public education provided in the least restrictive alternative setting. To the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, shall be educated with children who are not handicapped. Separate schooling or other removal of handicapped children from the regular educational environment may occur only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(2) After September 1, 1977, the board of trustees of every school district must provide or establish and maintain a special education program for every handicapped person as herein defined between the ages of 6 and 18, inclusive.

(3) The board of trustees of any school district may meet its obligation to serve handicapped persons by establishing its own special education program, by establishing a cooperative special education program, or by participating in a regional services program.

5.1.1 Policy Statement

(1) The policy that all handicapped children in Montana are entitled to a free appropriate education between the ages of 6 and 18, inclusive, as stated in Administrative Rule 20-7-411 applies to all public agencies within the state.

(2) Each public agency will ensure that handicapped children participate, to the maximum extent possible, with nonhandicapped children in nonacademic and extracurricular services and activities. These services and activities may include counseling, athletics, transportation, health, recreational, special interest groups or clubs, referral and employment assistance, meals and recess.

(3) When selecting the appropriate placement in the least restrictive environment, each public agency must ensure that the placement is:

(a) as close as possible to the child's house;

(b) in the school which the child would attend if not handicapped unless the individualized education program requires some other arrangement; and

(c) consideration is given to any potential harmful effect on the child or on the quality of needed services.

(4) A handicapped child is placed in a special class only when the nature of the severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

6.3 Submission of Agreement to Attorney General (20-7-453)

(1) Every contract made under the provisions of 20-7-451 through 20-7-456 must, as a condition precedent to its performance, be submitted to the attorney general who must determine whether the contract is in proper form and compatible with the laws of Montana.

(2) The attorney general must approve any contract submitted to him pursuant to 20-7-451 unless he finds that it does not meet the conditions set forth in 20-7-451 and 20-7-452, in which case he must detail, in writing addressed to the school districts concerned, the specific respects in which the proposed contract fails to meet the requirements of law. Failure to disapprove a contract within 30 days of its submission constitutes approval of the contract by the attorney general.

6.4 Final Approval and Filing of Special Education Cooperative Contract (20-7-454)

Within 10 days after approval by the attorney general and prior to commencement of its performance, a full service special education cooperative contract made pursuant to 20-7-451 through 20-7-456 must be:

(1) submitted to the Superintendent of Public Instruction who has final approval authority pursuant to the policies of the Board of Public Education;

(2) filed with the county clerk and recorder of the county or counties in which the school districts involved are located; and

(3) filed with the secretary of state.

6.5 Authorization to Appropriate Funds for Purpose of Full Service Special Education Cooperative Contract (20-7-455)

A school district entering into a full service special education cooperative contract pursuant to 20-7-451 through 20-7-456 may appropriate funds for and may sell, lease, or otherwise give or supply to the administrative officer or joint board created for the purpose of performance of the cooperative contract such material, personnel, or services as may be within its legal power to furnish.

6.6 Tenure of Teachers Employed by Cooperatives (20-7-456)

(1) Teachers who have tenure rights with a district and are employed by a cooperative of which their district is a member do not lose their tenure with the district.

(2) Nontenured teachers employed by a cooperative acquire tenure with a cooperative in the same manner as prescribed in 20-4-203, and the provisions of 20-4-204 through 20-4-207 are applicable to teachers employed by a cooperative.

(3) Tenure for a teacher employed by a cooperative is acquired only with the cooperative and not with a member school district of a cooperative.

(4) For the purposes of tenure of a teacher employed by a cooperative, special education cooperative contract renewals may not be used to limit the teacher's progress toward tenure status.

7.0 SERVICE AREAS FOR THE HANDICAPPED

7.1 Services in General (10.16.1301)

(1) Individual assistance for a handicapped student shall be accomplished through utilization of the least restrictive educational alternative. Under the least restrictive educational alternative, handicapped students shall be educated, whenever possible, with students who are not handicapped. Removal of handicapped children from the regular educational environment (e.g., placement

in special classes housed in separate school facilities) will only occur when the nature or severity of the handicap is such that education in regular classes with use of supplementary aids and services cannot be achieved satisfactorily.

(2) To meet the needs of each handicapped person, districts should afford children access to a variety of instructional and service options. Services will be developed as availability of qualified staff permits. Small school districts with a minimal number of handicapped students should seek to serve those students with programs and services coordinated with nearby districts and/or through special education cooperatives.

7.2 Resource Instruction and Service (10.16.1302)

(1) Instruction from a resource service requires that the special education teacher be available to provide direct service to handicapped students who are enrolled in the regular instructional program. Resource instruction may be provided by a resource teacher working with handicapped students in the regular classroom or by removing the students to a separate resource room for some part of the school day. A student should not be removed from the regular classroom to a separate resource room unless the move is essential in meeting the specific needs of a child. The resource teacher is responsible for ongoing consultation and communication with the child's regular classroom teacher(s) regarding specific needs and recommendations of materials and instructional procedures and to exchange information for parent conferences. The resource teacher and the regular instructional staff should coordinate their efforts and expertise frequently and systematically to best serve the student.

(2) The special education teacher assigned to a resource program is responsible for assisting in child study team assessment, translating strategies, preparing materials, providing instruction, maintaining appropriate records of progress, and conferring with parents and regular teachers. The resource teacher should periodically follow up on children who have been phased out of special education programs to determine their progress in the regular classroom.

(3) Space and equipment needed to support the resource service must be provided.

7.3 Case Load of a Resource Service (10.16.1303)

A teacher of a resource service should have a minimum case load of eight handicapped students per day before establishing a first full-time service. The maximum number of students assigned to each resource service should not exceed 25 students per week. In situations where fewer than eight students per day can be documented for a first full-time service or where fewer than 25 students per week can be documented in an established service, the full-time equivalent to be approved shall be negotiated with the Office of Public Instruction based on special education needs of the children.

7.4 Adding Resource Services (10.16.1304)

If a school district is considering adding resource services, the district must first establish that at least 18 handicapped students and/or 150 contact hours are accommodated in existing services.

7.5 Resource Service is Non-Categorical (10.16.1305)

A resource service may serve a combination of handicapping conditions as long as the needs of the children assigned to the service are appropriately met through this option.

7.6 Itinerant Resource Speech and Hearing Service (10.16.1306)

(1) Speech and hearing services traditionally operate on an itinerant resource model.

(2) The case load for a speech pathologist depends on the severity of the handicapped students to be served. The suggested range is from 15 to 60 children. Exceptions are to be negotiated with the Superintendent of Public Instruction.

7.7 Self-Contained Instruction (10.16.1307)

(1) Service through self-contained instruction results when the child study team determines that a child exhibits an intellectual, adaptive, learning, social, and/or emotional impairment so severe that removal from the regular instructional program for more than 50 percent of the school day is essential and that education in a regular instructional program with the assistance of resource instruction will not provide an appropriate education.

(2) The teacher in a self-contained program is responsible for assisting in the child study team assessment, translating assessment findings into appropriate educational objectives, and implementing and evaluating instructional procedures necessary to achieve these objectives. To ensure that capable students have an opportunity to return to the regular instructional program, it is important that a thorough system of referral, assessment, programming, and termination be developed. Communication with the regular instructional staff, particularly with the regular classroom teacher, is of utmost importance and requires careful planning by all concerned.

(3) The age range of children assigned to a self-contained classroom should be considered in establishing the composition of the class. Chronological age range greater than six years is not recommended. The actual range should be determined by the school administration utilizing the recommendations of the child study team.

(4) A minimum of four handicapped students needing removal from the regular instructional program for more than 50 percent of the school day is required for a self-contained class. The school administration shall determine the number of students assigned to the program by utilizing the recommendations of the child study team. The type and severity of the handicapping condition of the students should be considered in recommending class size. It is recommended that self-contained classes not exceed 12 students.

When there are fewer than four students who require removal from the regular program for more than 50 percent of the school day, an existing resource program may be utilized to provide full-time self-contained services.

(5) Once a self-contained class reaches the maximum number of students as recommended by the child study team, the school administration must give consideration to providing the teacher with additional child management help, such as an aide, so that the class may accommodate more handicapped students. Dividing the class after these alternatives have been utilized is an administrative decision which must take the child study team recommendations into consideration, as well as the recommendations for student/teacher ratios given in Rule 10.16.1307 in this manual.

If a self-contained class is at minimum levels, consideration should be given to utilizing the class so it provides resource instruction accommodating other handicapped students.

(6) Self-contained service is non-categorical and a self-contained service may serve a combination of handicapping conditions as long as the needs of the children assigned to the service are appropriately met through this program option.

(7) Space and equipment needed to support the self-contained class must be provided. The classroom should be in a school building and should be comparable to regular classrooms in that school district. Handicapped children shall not be discriminated against because of the lack of appropriate facilities. Any deviation of special education classrooms must receive approval from the Superintendent of Public Instruction.

(8) The length of the school day follows provisions established in 20-1-302 unless the child, for physical reasons, cannot attend for the standard school day. This determination will be made by the child study team.

7.8 Services to Homebound and/or Hospitalized Students (10.16.1308)

(1) Services to any homebound and/or hospitalized students may be provided when a medical doctor verifies that a student is hospitalized or provides medical documentation and reasons for the student's need to remain out of school.

(2) When the child study team has completed a comprehensive education evaluation and determined the child to be handicapped, the service may be extended to the student.

7.9 Contracted Services (10.16.1309)

A school district may serve a handicapped child through contracted services. The contracted services may be diagnostic and/or instructional.

7.10 Out-of-District Services (10.16.1310)

(1) If a school district is unable to provide services for its resident handicapped students or unable to provide services through cooperative services, the school district may have to use out-of-district placement. The decision to place a child out-of-district must be recommended by the resident district child study team and approved by the resident district board of trustees. Placement made independently of the public school by the parents and/or other agencies relieves the public school of all financial obligations.

(2) When a child is handicapped to such a degree that a totally controlled environment is needed, residential school placement may be essential. Room and board and out-of-state tuition costs are considered allowable costs in the district's special education budget. The public school is only responsible for room and board and educational costs. Other services such as psychiatric therapy and/or medical treatment must be deleted from the special education costs and assumed by parents and/or other agencies. An out-of-district placement must be approved by the Superintendent of Public Instruction.

(3) A district must first make a reasonable attempt to secure and utilize in-state resources before out-of-state placement will be approved.

(4) It is the resident district's responsibility to convene the child study team and set the time and place for conducting a review of the child's needs and educational placement. The receiving district is responsible for providing program monitoring and assisting the resident district with conducting an annual review of the child's program and progress. The receiving district shall provide pertinent data regarding the child's program and progress to the resident district and parents.

(5) The resident district and receiving district should form a joint child study team to consider the evaluation data and explore program options.

(6) A cooperative staff may provide supportive services when such services are not available through the local district.

(7) The resident school district is required to budget for room and board costs in its special education budget. Budget approval does not mean the school district has authorization to send a specific child out-of-district. Approval shall also be obtained from the school district or agency which is providing the services. Program evaluation is the responsibility of both the resident school district and the providing school district or agency.

843

8.12 Aides (10.16.1712)

There are no certification requirements for teacher aides. School districts may establish any requirement felt necessary for these positions. It should be recognized that aides are not trained teaching personnel and should be under the supervision of professional staff and not in the primary teaching role.

9.0 CASE LOAD FOR AUXILIARY AND SUPPORTIVE PERSONNEL SERVING SPECIAL EDUCATION PROGRAMS

9.1 Auxiliary Personnel (10.16.1801)

(1) When specific curriculum area teachers (i.e., music, physical education) are assigned full-time special education as a supplement to the special education program, the school district must obtain prior approval from the Superintendent of Public Instruction to consider that position as part of the special education program. The teacher must have a teaching certificate with an endorsement in the specific curricular area of instruction. In addition, the local school district should require that each teacher obtain specific skills which enable the teacher to deal effectively with handicapped children. These skills may be obtained through formal training or inservice training. Special education supervision must be provided to any auxiliary personnel.

(2) Auxiliary personnel will usually serve at least 10 to 15 special education instructional units.

9.2 School Psychologist (10.16.1804)

A full-time school psychologist must serve a minimum population base of approximately 1,500 regular students. In special circumstances, student base may not be appropriate. Exceptions may be negotiated with the Office of Public Instruction. School districts that do not meet the minimum population base should consider cooperative programs between districts. Partial assignment of school psychologists to programs will be determined by prorating the minimum figure stated to the actual enrollment of the schools served. Approval to serve less than the minimal base may be considered by the Superintendent of Public Instruction when a request is made.

9.3 Supervisors of Special Education (10.16.1805)

(1) For budgeting approval, a full-time supervisor of special education must have a minimum of at least 12 full-time special education personnel or a regular student population of 3,000 regular students. School districts are encouraged to establish cooperative special education programs under the direction of one supervisor of special education in order to meet minimum approval levels. Consideration should be given to include rural schools under this individual's supervision even though the rural school may not have a special education teacher.

(2) For school districts that have special education personnel in excess of the minimum stated, additional full-time, three-quarter-time, or half-time supervisors may be added upon request to, and approval of, the Superintendent of Public Instruction. For school districts that have fewer education personnel than the minimum stated, three-quarter or half-time supervisors of special education may be added upon request to, and approval of, the Superintendent of Public Instruction.

9.4 Social Workers (10.16.1806)

A full-time social worker must serve a minimum population base of approximately 3,000 regular students and/or have an assigned case load of 25 to 60 families per year. In special circumstances, student base may not be appropriate. Exceptions may be negotiated with the Office of Public Instruction. The social workers shall serve children requiring special education through group or individual casework practice, consultation with school personnel and counseling with parents and students. The social workers shall be available to participate in child study teams when the need is indicated.

9.5 Counselor (10.16.1807)

(1) A full-time counselor serving only special education must serve a minimum population base of approximately 3,000 regular students. In special circumstances, student base may not be appropriate. Exceptions may be negotiated with the Office of Public Instruction. The counselor must have a full-time assigned case load of special education students requiring counseling on an instructional, behavioral, or emotional adjustment related to the students' handicaps. The counselor should be available to participate in child study teams when the need is indicated.

(2) If a school district budgets for, and provides, counseling services to handicapped students under special education, all of the students involved must also receive instructional special education services. Students needing only counseling are not eligible for special education counseling. These students are considered regular pupils and receive their total support from the regular program including counseling.

9.6 Other (10.16.1808)

Before a school district employs full-time nurses, physical therapists or occupational therapists to serve special education programs, that district must justify the position to receive approval from the Superintendent of Public Instruction.

10.0 DISCOVERING THE HANDICAPPED

10.1 Cooperation of State Agencies (20-7-404)

The state Department of Health, the Department of Institutions, the Department of Social and Rehabilitation Services, and the State School for the Deaf and Blind shall cooperate with the Superintendent of Public Instruction in assisting school districts in discovering children in need of special education. Nothing herein shall be construed to interfere with the purpose and function of these state agencies.

10.2 Screening and Referral Process and Child Find (10.16.1201)

(1) Each school district must screen and develop criteria for further assessment for its students annually to determine potential candidates for special education.

(2) Each school district is responsible for developing a referral process for children and youth who have been, or are being, considered for retention, delayed admittance, or considered as a possible referral to a child study team.

(3) Each school is responsible for establishing a child find process.

23. Nebraska

NEBRASKA DEPARTMENT
OF EDUCATION

RULE 51

REGULATIONS FOR SCHOOL AGE SPECIAL EDUCATION PROGRAMS

TITLE 92, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 51

EFFECTIVE DATE
SEPTEMBER 6, 1981
(REVISED)

State of Nebraska
Department of Education
301 Centennial Mall South
Lincoln, Nebraska 68509
Joseph E. Lutjeharms
Commissioner

NUMERICAL TABLE OF CONTENTS

SUBJECT	STATUTORY AUTHORITY	CODE SECTION
Declaration Of Responsibility	43-641	001
Statutory Authority	----	002
Definition Of Terms	43-660	003
Responsibility For Special Education Programs	43-660	004
Establishment And Administration Of Special Education	43-660	005
Identification Of Handicapped Children, Multi-Disciplinary Teams And Reporting Of Diagnostic Data	43-660	006
Individualized Education Program (IEP)	43-660	007
Placement Of Handicapped Children	43-660	008
Procedural Safeguards	43-660	009
Special Education Personnel	43-660	010
School District Budget Process	43-660	011
Service Agencies	43-660	012
Special Education Transportation	43-607.01	013

003.02 Handicapped Children

003.02A Handicapped children shall mean either physically handicapped, educable mentally handicapped, mentally retarded, behaviorally impaired children, children with specific learning disabilities, or such other children as shall be defined by the Department of Education.

003.02B Physically handicapped children shall mean children who are visually handicapped, acoustically handicapped, defective in speech, cardiopathic, tubercular, cerebral palsied, orthopedically handicapped, or otherwise physically handicapped, and who, by reason of their physical defects are unable to attend regular public school classes, are not physically adapted to full-time membership in regular school facilities, or who, in order to profit from regular school instruction, need facilities and procedures not available in the regular public school classes attended by physically normal children.

003.02C Visually handicapped (VH) children shall mean children who, by reason of their physical defects, are unable to attend regular public school classes, are not physically adapted to hold full-time membership in regular school facilities, or who, in order to profit from regular school instruction, need facilities and procedures not available in the regular public school classes attended by physically normal children.

003.02D Acoustically handicapped (AH) children shall mean children who, by reason of their physical defects, are unable to attend regular public school classes, are not physically adapted to hold full-time membership in regular school facilities, or who, in order to profit from regular school instruction, need facilities and procedures not available in the regular public school classes attended by physically normal children.

003.02E Speech handicapped (SH) children shall mean those children who, in order to profit from regular school instruction, need facilities and procedures not available in the regular public school classes attended by physically normal children.

003.02F Orthopedically handicapped (OH) children shall mean children whose locomotion, mobility, or use of limbs, is impaired by crippling because of congenital anomaly, birth injury, trauma, tumor, infection, disease, or other conditions such as fragile bones or cardiac impairment. These children who, by reason of their physical defects, are unable to attend regular public school classes, are not physically adapted to hold full-time membership in regular school facilities, or who, in order to profit from regular school instruction, need facilities and procedures not available in the regular public school classes attended by physically normal children.

003.02G Educable mentally handicapped (EMH) children shall mean children of school age who, because of retarded intellectual development as determined by individual psychological examination and deficiencies in social adjustment, require additional supportive services in order to function profitably within regular education programming.

003.02H Behaviorally impaired (BI) children shall mean children with a serious condition exhibiting one or more of the characteristics specified in this subsection in sufficient frequency, duration, or intensity to require intervention for educational, social, or emotional growth and development. The team shall include children who are autistic. The behavioral impairment cannot be explained by intellectual, sensory, or health factors. The characteristics of behaviorally impaired children include:

003.02H1 An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

003.02H2 Inappropriate types of behavior or feelings under normal circumstances;

003.02H3 A general pervasive mood of unhappiness or depression;

003.02H4 A tendency to develop physical symptoms or fears associated with personal or school problems.

003.02I Specific learning disability (SLD) children shall mean children of school age who have a verified disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in an inability to listen, think, speak, write, spell, or do mathematical calculations. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, or emotional disturbance, or of educational disadvantage.

003.02J Mentally retarded (MR) children shall mean children who would benefit from training or education in the areas of self-care, social adjustment to immediate surroundings, and vocationally-related activities which will contribute to economic usefulness in the home or in a specialized situation providing for activities such as sheltered work experience and a supervised living environment.

003.02K Multihandicapped children shall mean children who have two or more coincidental and educationally significant physical or psychological handicaps or both physical and psychological handicaps. This includes physically handicapped children with mental retardation if, in the opinion of the examining physician and psychologist, the child's condition can be improved materially by education and treatment.

003.02L Home and hopsital bound shall mean those children with health or physical defects who, by reason of such defects, in the opinion of an examining physician, are unable to attend regular public school classes, are not physically adapted to hold full-time membership in regular school facilities, or who, in order to profit from regular school instruction, need facilities and procedures not available in the regular public school classes attended by physically normal children.

003.02M Parent shall mean a parent, a guardian, a person acting as a parent of a child, or a surrogate who has been appointed for a handicapped child.

003.02N Ward of the State shall mean any child who by virtue of a court order, entered by a court of competent jurisdiction, has been adjudicated to be a ward of the state, or by virtue of a written voluntary relinquishment executed by a mother of a child born out of wedlock, or by both parents of a legitimate child, or by either of the surviving parents of a legitimate child pursuant to Sections 43-106 (See 92 NAC 4).

003.020 Ward of any Court shall mean any minor child who, by virtue of a court order entered by a court of competent jurisdiction, has been adjudicated to be a ward of the court.

003.03 Finance

003.03A Allowable and reimbursable costs shall mean and include the following: salaries, fringe benefits, in-service costs, mileage costs, material resources, contracted rates, contracted special education services and minor building modification. These are defined as follows:

003.03A1 Salaries of special education staff (licensed or certificated teachers, supervisors, professional diagnostic personnel; aides under the supervision of such personnel).

003.03A2 School district's share of fringe benefits for the special education staff (social security, retirement and insurance).

003.03A3 In-service costs directly related to the special education program (excluding expenditures for attendance at state and national conventions and for the purchase of credits associated with college or university courses). Expenditures for in-service shall be subject to approval based on criteria established by the State Board of Education.

003.03A4 Mileage costs incurred by the special education staff in delivering the special education programs.

003.03A5 The material resources of equipment, supplies and publications which are necessary for teaching children with specific handicapping conditions.

003.03A6 Those special education services brought into the district by the service agency with approved special education programs and rates through a contract.

003.03A7 Those contracted special education services in which handicapped children are served by a service agency whose special education program and rate have been approved by the State Department of Education.

003.03A8 Restricted capital outlay for minor building modification for the orthopedically handicapped. This requires prior State Department of Education approval.

003.03B State fiscal year shall mean the period from July 1 through June 30. The state funds authorized under the various statutes listed herein lapse at the end of each fiscal year. This fiscal year shall also be used for payments associated with transportation of handicapped students and residential care.

003.03C School fiscal year shall mean the period from September 1 through August 31.

005.29A9h Development of specific objectives for each student.

005.02A10 Specialized consultant services, the nature of which is determined by the needs of verified handicapped children which shall mean psychiatric, psychological, medical or other consultation, or in-service to personnel of the district working with handicapped children for development and operation of programs.

005.02A11 Use of paraprofessionals and aides as allowed by Nebraska state statute.

005.02A12 Home and hospital services for those children who, in the opinion of the examining physician, will be absent from school for an extended period of time when school-to-home telephone is the primary educational program for the child. When school-to-home telephone is not used as the primary educational program, the program shall be considered a Level II program (Refer to 92 NAC 51-007).

005.02B Program Staff Allocation Criteria for School Districts Conducting Their Own Programs

With the exception of deviations based on additional analysis of the students, availability of cooperative programming with other districts, consideration of serving children as close to home as possible, problems of geographic locations, and documentation prior to requesting program approval, the total number of students served by Level I personnel per school year per program unit for planning and budgeting purposes shall be as follows:

005.02B1 Educable mentally handicapped, behaviorally impaired, workstudy (VAC), specific learning disability: 30 students per unit or 7 students per quarter unit if less than a full unit.

005.02B2 Speech handicapped: 70 students per unit or 17 students per quarter unit if less than full unit.

005.02B3 Visually handicapped, acoustically handicapped: 20 students per unit or 5 students per quarter unit if less than a full unit.

005.02B4 Orthopedically handicapped: Students may be enrolled in resource programs serving students with other handicaps or combinations of handicaps.

005.02B5 Resource services may be provided to combinations of BI, SLD, EMH and OH students and an endorsement in any of the listed handicaps shall suffice provided that at least one verified student representing the handicap in which the teacher is endorsed is served.

005.02B6 Personnel without appropriate endorsements serving AH and VH students shall attend inservice and training sessions as may be arranged or approved by the Department of Education.

005.03 Level II Special Education Classroom Programs

005.03A Description

Level II programs are those services which are established for the child with a verified handicapping condition who requires a special education program outside of the regular class program for a period of time exceeding three hours per week. Level II services are provided by licensed or certificated professional personnel, and those services are provided by and within the school district of residence.

005.03B Program Staff Allocation Criteria

For planning and budgeting purposes, Level II special education classroom programs shall have a caseload for each program unit as follows:

005.03B1 Mentally retarded or behaviorally impaired: 10 students per unit or 2 students per quarter unit if less than a full unit.

005.03B2 Visually handicapped or acoustically handicapped: 10 students per unit or 2 students per quarter unit if less than a full unit.

005.03B3 Orthopedically handicapped: 12 students per unit or 3 students per quarter unit if less than full unit.

005.03B4 Educable mentally handicapped, speech handicapped (severe language dysfunctions), specific learning disability: 16 students per unit or 4 students per quarter unit if less than a full unit.

005.03C Level II Program Integration

Integration into a regular class program shall be determined in relation to the objectives established for the handicapped child. When a handicapped child is integrated into a regular class program from a special education program, the special education personnel shall be responsible for intensive coordination with the regular class teacher.

005.03D Combined Level I and Level II Programs

Program units which serve both Level I and Level II students may be operated. The caseload for such a combined program unit shall consist of 20 students per unit or 5 students per quarter unit if less than full unit. The combined program unit shall be submitted on Level II budget forms. Handicapped students receiving less than three hours of special education service per week shall be considered Level I students for purposes of reimbursement computation.

005.04 Level I and II Program Deviations

005.04A The Department of Education may analyze allocation of special education personnel on a geographic or a regional basis. Following such analysis, school districts may be required to show cause as to the continued operation of certain programs or to justify the absence of certain programs.

005.04B Deviations from the program staff allocation criteria require the written approval of the Commissioner of Education or the Commissioner's designee. Program deviation requests will be required when the number of students does not meet the specified teacher-pupil ratios as outlined in 92 NAC 51-005.

005.04C School districts must submit program deviation requests as a part of the Special Education Plan and Budget. School district program deviation requests shall include the following:

005.04C1 Area for which deviation is being requested;

005.04C2 Rationale for the deviation request;

005.04C3 Plan to avoid having to make a similar deviation request next year;

005.04C4 A statement regarding response to other school district's requests, if any, for admittance of a child to the program for which the program deviation is requested; and

005.04C5 Name and signature of authorized school official.

005.04D NDE approval of a school district's program deviation is annual, conditional, and subject to review at any time.

24. Nevada

STANDARDS FOR ADMINISTRATION
OF
SPECIAL EDUCATION PROGRAMS

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October, 1985

TABLE OF CONTENTS

INTRODUCTION. i

SECTION I

General Administration 1

Individualized Education Programs. 4

Procedural Safeguards and Confidentiality. 7

Least Restrictive Environment. 15

Protection in Evaluation Procedures. 16

SECTION II

Academically Talented. 19

Aurally Handicapped. 20

Educationally Handicapped. 21

Learning Disabilities. 23

Mentally Handicapped 26

Multiple Handicapped 29

Physically Handicapped 30

Speech Handicapped 31

Visually Handicapped 33

APPENDIX A

Guidelines for the Application and Interpretation of the Educationally Handicapped Standards 35

ACADEMICALLY TALENTED

I. DEFINITION

Academically talented means superior intellectual development and/or outstanding talent which make the child capable of high performance including demonstrated achievement or potential. Differentiated educational programs and/or services are required beyond those normally provided by the regular school program to enable the child to realize contributions to self and society.

II. ELIGIBILITY DESCRIPTION AND EVALUATION STANDARDS

A. A student who is academically talented shall score at or above the 98th percentile on an individually administered nationally standardized intelligence test and/or score at or above the 98th percentile in any content area on a nationally standardized achievement test.

B. Exception to this criteria shall be made for students who show evidence of language, environmental, economic or cultural handicaps. It is recognized that such handicaps have in the past and may in the future interfere with the student's success and may be reflected in the validity and/or reliability of test scores.

C. Placement recommendations should be made after consideration of staff, parent, or peer nomination; home background; school history and other pertinent information such as leadership ability and evidence of divergent or creative thinking. The case study approach is strongly recommended.

D. After reviewing all relevant data, a comprehensive committee shall determine the placement of the student in the academically talented program. The size of the membership of the committee shall be determined by each individual local school district.

III. ENROLLMENT

Caseload for this special education program unit shall not exceed sixty-five (65) students.

Class size per instructional period shall not exceed twenty (20) students.

A student who is academically talented shall receive a minimum of 150 minutes per week of differentiated educational activities. Exceptions to this may be made through a student's Individualized Education Program.

AURALLY HANDICAPPED

I. DEFINITION

Aurally handicapped means an impairment of hearing function sufficient to prevent or delay the child's normal development of speech and language or present barriers to the acquisition of academic and/or social skills.

II. ELIGIBILITY DESCRIPTION AND EVALUATION STANDARDS

A. Classification

Deaf means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

Hard of hearing means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance, but which is not included under the definition of deaf in this Section.

It is recommended that a child demonstrating a hearing loss of 30 decibels or more in the better ear be considered for placement in a special program designed to meet individual needs.

B. Assessment

The determination of an impairment in hearing function shall be based upon diagnosis by a certified or licensed audiologist. The audiological evaluation is to be supported by a report from a licensed physician, preferably one who specializes in the area of hearing problems.

III. ENROLLMENT

Caseload for this special education program unit shall not exceed twenty (20) students.

Class size per instructional period shall not exceed six (6) students.

Caseload for preschool programs operating on a half-day schedule shall not exceed six (6) students per half-day.

EDUCATIONALLY HANDICAPPED

I. DEFINITION

Educationally handicapped means an emotional handicap which is such that the child cannot be adequately or safely educated in regular classes without the assistance of special education services.

Emotionally handicapped is used here as a generic term covering all types of emotional and behavioral difficulties. Therefore, within the educational setting the child with an emotional handicap is one whose condition is determined through a comprehensive individual assessment. The term includes children who are schizophrenic or autistic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.

II. ELIGIBILITY DESCRIPTION AND EVALUATION STANDARDS

A. Classification

In general, for education purposes, a student with an emotional handicap may be described as one who exhibits one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:

1. A student whose behavior is so discordant in his relationships with others that he cannot effectively pursue and carry on positive educational or social experiences.
2. A student who manifests either an extreme or persistent failure to adapt and function intellectually, socially, or emotionally at a level commensurate with his chronological-development age.
3. A student whose academic achievement may be impaired due to a failure to learn when there is no identified learning, intellectual, sensory or health disability.
4. A student with difficulty in handling problems, ineffective methods of adjusting to and coping with his environment and inappropriate types of behavior and feelings under normal circumstances.

5. A student who manifests immature, unrealistic, aggressive, acting-out, withdrawn, avoidance behaviors (such as physical symptoms or fears) in trying to find solutions to personal or school problems. As a result, when this has occurred, such children become unable to function at full capacity either physically, emotionally, intellectually, or socially.

6. A student whose general pervasive mood may be of depression or unhappiness.

The term emotionally handicapped is never a permanent label.

B. Assessment

A comprehensive psycho-social-educational evaluation (as outlined in the General Administration Section) is required.

III. ENROLLMENT

Caseload for this special education program unit shall not exceed twenty (20) students.

Class size per instructional period shall not exceed ten (10) students.

Caseload for preschool programs operating on a half-day schedule shall not exceed six (6) students per half-day.

LEARNING DISABILITIES

I. DEFINITION

Learning disabilities means one or more significant deficits in the essential learning processes of perception; conceptualization; language--written or spoken; memory; and control of attention; impulse or motor function. These deficits may be demonstrated verbally or non-verbally. A discrepancy between expected and actual academic achievement is observable. These problems are not primarily the result of visual, hearing, or physical handicaps; of mental retardation; of emotional disturbance; or of environmental, cultural, or economic disadvantage.

II. ELIGIBILITY DESCRIPTION AND EVALUATION STANDARDS

A. Classification

A student with a learning disability is one who exhibits the following characteristics:

1. The student does not achieve commensurate with ability levels when provided with appropriate learning experiences; and

2. The student demonstrates severe discrepancy between achievement and intellectual ability in one or more of these areas relating to communication skills and math abilities:

    --oral expression
    --listening comprehension
    --written expression
    --basic reading skill
    --reading comprehension
    --mathematics calculation
    --mathematics reasoning

    A severe discrepancy is defined as a difference of one (1) standard deviation between performance on an individually administered achievement test and measured expected potential, or based on the following guidelines:

Grade Performance Expectancy*	Discrepancy
K - 1	Clinical or professional judgment for placement
2 - 3	One year or more
4 - 6	Two years or more
7 - 9	Three years or more
10 -12	50% below grade level

(Special consideration should be given by the assessment group to those who demonstrate achievement near grade level, yet are identified as two standard deviations below their measured potential, e.g., 8 stanine in ability, 4 stanine in achievement.)

3. The child exhibits academic potential on an individual intelligence measure so that the I.Q. is not in the mentally handicapped range. There are, however, children who fall below the normal range of intelligence who may be learning disabled.

4. The assessment group may not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of:

   a. visual, hearing or motor handicap

   b. mental retardation

   c. emotional disturbance

   d. environmental, cultural or economic disadvantage

B. Assessment

1. A comprehensive psycho-social-educational evaluation (as outlined in the General Administration Section) is required.

2. The assessment group shall minimally consist of:

   --the child's regular teacher or, if he does not have a regular teacher, a regular classroom teacher qualified to teach a child of his age;
   --a teacher or other specialist with knowledge in the area of suspected disability;
   --at least one person qualified to conduct individual diagnostic examinations such as a school psychologist, speech-language pathologist, or remedial reading teacher; and
   --for a child of less than school age, an individual qualified by the Nevada Department of Education to teach a child of his age.

*Based on ability level or academic potential

3. At least one assessment group member other than the child's regular teacher shall observe the child's academic performance in the regular classroom setting. In the case of a child of less than school age or one who is out of school, an assessment group member shall observe the child in an environment appropriate for a child of that age.

4. The assessment group shall prepare a written report of the results of the evaluation which includes a statement of:

    a. Whether the child has a specific learning disability;
    b. The basis for making the determination;
    c. The relevant behavior noted during the observation of the child;
    d. The relationship of that behavior to the child's academic functioning;
    e. The educationally relevant medical findings, if any;
    f. Whether there is a severe discrepancy between achievement and ability which is not correctable without special education and related services; and
    g. The determination of the assessment group concerning the effects of environmental, cultural or economic disadvantage.

5. Each assessment group member shall certify in writing whether the report reflects his conclusion. If it does not reflect this, the assessment group member must submit a separate statement presenting his conclusions. All written reports are to be shared with parents and the child when appropriate.

III. ENROLLMENT

Caseload for this special education program unit shall not exceed twenty-eight (28) students.

Class size per instructional period shall not exceed twelve (12) students.

Caseload for preschool programs operating on a half-day schedule shall not exceed eight (8) students per half-day.

MENTALLY HANDICAPPED

I. DEFINITION

Mentally handicapped means subaverage general intellectual functioning which exists concurrently with deficits in adaptive behavior and is manifested during the developmental period. These conditions adversely affect the child's educational performance.

II. ELIGIBILITY DESCRIPTION AND EVALUATION STANDARDS

A. Classification

The assessment group may make a recommendation for eligibility of children falling outside the specified parameters.

1. *Mildly mentally handicapped* means:

   - --learning styles significantly different from peer groups so that adaptation of the standard curriculum is required;
   - --measured I.Q. as determined by acceptable individual standardized tests will be at least -2 standard deviations below the mean score of the particular test;
   - --social maturity and adaptive behavior ratings will indicate general social difficulties outside the school environment as well as within the school setting.

2. *Moderately mentally handicapped* means:

   - --learning styles so markedly different from peer groups that the standard curriculum is not adaptable to educational needs;
   - --measured I.Q. as determined by acceptable individual standardized tests will be at least -3 standard deviations below the mean score of the particular standardized test;
   - --social maturity and adaptive behavior scales will indicate markedly low capabilities in language and social self-help skills in comparison with chronological peer group.

3. *Severely mentally handicapped* means:

   - --learning styles so extensively different from peer groups that standard curriculum is not appropriate;
   - --measured I.Q. as determined by acceptable individual standarized tests will be at least -4 standard deviations below the mean score of the particular standardized test;
   - --social maturity and adaptive behavior scales will indicate extensively low capabilities in language and social self-help skills in comparison with chronological age.

4. *Profoundly mentally handicapped* means:

   - --learning styles so completely different from peer groups that educational programming will primarily consist of the enhancement of basic developmental survival skills;
   - --measured I.Q., if appropriate, will be at least -5 standard deviations below the mean score of the particular standardized test. More accurate indications of intellectual functioning would be gained from the utilization of developmental scales;
   - --social maturity scales and adaptive behavior will indicate almost no capabilities in language and social self-help skills in comparison with chronological age.

B. Assessment

A comprehensive psycho-social-educational evaluation (as outlined in the General Administration Section) is required.

III. ENROLLMENT

A. Mildly Mentally Handicapped

Caseload for this special education program unit shall not exceed twenty-four (24) students.

Class size per instructional period shall not exceed twelve (12) students.

Caseload for preschool programs operating on a half-day schedule shall not exceed eight (8) students per half-day.

B. Moderately Mentally Handicapped

Caseload for this special education program unit shall not exceed twenty (20) students.

Class size per instructional period shall not exceed ten (10) students.

Caseload for preschool programs operating on a half-day basis shall not exceed six (6) students per half-day.

C. Severely/Profoundly Mentally Handicapped

Caseload for this special education program unit shall not exceed twelve (12) students.

Class size per instructional period shall not exceed six (6) students.

Caseload for preschool programs operating on a half-day schedule shall not exceed five (5) students per half-day.

MULTIPLE HANDICAPPED

I. DEFINITION

Multiple handicapped means concomitant handicaps, the combination of which causes severe educational problems which prevent the child from being appropriately accommodated without special or prolonged assistance.

II. ELIGIBILITY DESCRIPTION AND EVALUATION STANDARDS

A. Classification

The child must exhibit a mental handicap as well as one or more behavioral, communicative, physical, neurological, or sensory impairments.

NOTE: For data reporting purposes, students who are identified as deaf-blind will be included in the multiple handicapped category although they may not manifest a mental handicap.

B. Assessment

An individual examination by a licensed physician to determine a child's medically related handicapping condition and an individual psycho-social-educational evaluation (as outlined in the General Administration Section) is required.

The certification of the handicapping conditions shall be determined according to the classification and assessment guidelines in the appropriate sections of this document.

III. ENROLLMENT

Caseload for this special education program unit shall not exceed twenty (20) students.

Class size per instructional period shall not exceed six (6) students.

Caseload for preschool programs operating on a half-day schedule shall not exceed six (6) students per half-day.

Caseload for deaf-blind shall not exceed ten (10) students and class size shall not exceed three (3) students.

PHYSICALLY HANDICAPPED

I. DEFINITION

Physically handicapped means a physical condition which affects educational performance in a child with average or above average intelligence.

II. ELIGIBILITY DESCRIPTION AND EVALUATION STANDARDS

A. Classification

Orthopedically impaired means a severe orthopedic impairment which adversely affects a child's educational performance.

Other health impaired means limited strength, vitality, or alertness due to chronic or acute health problems, which adversely affects a child's educational performance.

Homebound means a mental or physical disability requiring temporary instruction in a home or hospital setting.

B. Assessment

An individual examination by a licensed physician is required and, if appropriate, a comprehensive psycho-social-educational evaluation is to be administered.

Regular students, who for reasons of mental or physical disability require temporary instruction in a home or hospital setting, need only to be certified by a licensed physician or a certified psychologist.

III. ENROLLMENT

Caseload for this special education program unit shall not exceed twenty (20) students.

Class size per instructional period shall not exceed six (6) students.

The caseload for teachers providing instructional services to physically handicapped students confined to home or hospital shall not exceed ten (10) students per week. Homebound tele-teaching class size per instructional period shall not exceed fifteen (15) students to receive instruction at any one time.

Caseload for preschool programs operating on a half-day schedule shall not exceed six (6) students per half-day.

SPEECH HANDICAPPED

I. DEFINITION

Speech handicapped means articulation, fluency, language and/or voice disorders which are outside the range of acceptable variation in a given environment, are inconsistent with chronological age and/or mental age, or affect emotional, social, and/or educational adjustment.

II. ELIGIBILITY DESCRIPTION AND EVALUATION STANDARDS

A. Classification

A student with a speech handicap is one who exhibits one or more of the following disorders:

1. *Articulation disorder* means a defective production of phonemes (speech sounds) that interferes with the intelligibility of speech. Types of misarticulations include:

    --substitution(s) of one phoneme for another;
    --omission(s) of phonemes in words;
    --phonemic distortions; and
    --inappropriate additions of phonemes

2. *Fluency disorder* means a disruption in the normal, rhythmic flow of verbal expressions that is markedly noticeable and/or is not readily controllable by the student. These disruptions occur to the degree that the student and/or listeners evidence reactions to the manner of speech and the disruptions so that communication is or will be impeded.

3. *Language disorder* means inappropriate or developmentally deficient reception and/or expression of phonology, morphology, syntax or semantics, whether the major language system employed by the student is gestural, vocal, or verbal.

4. *Voice disorder* means an abnormality in pitch, loudness or quality resulting from pathological conditions and/or inadequate structure or function, or inappropriate use of the vocal mechanism that interferes with communication, is vocally abusive, and/or produces maladjustment.

This exceptionality is to be differentiated from English as a Second Language or Bilingual Language programs. The bilingual child may be speech handicapped, not primarily because of his bilingualism, but because of difficulties being experienced in both languages.

B. Assessment

1. Speech and language referral, screening, and testing procedures shall be developed by the local school districts.

2. The speech pathologist shall have the primary responsibility of determining the type, extent and frequency of services required by pupils with speech and language needs.

3. Comprehensive diagnostic services shall be provided for pupils determined by screening and/or referral to have problems with language, speech, or hearing. Prior to enrollment in a program, diagnostic procedures shall include assessment of articulation, language, fluency, voice, and an examination of the peripheral speech mechanism.

4. The following additional assessments are recommended as needed:

    --case history;
    --physical or medical examination;
    --academic history;
    --psychological and educational evaluations

5. Prior to placement of a child in a self-contained language classroom, the following additional assessments are recommended:

    --appropriate verbal and nonverbal intelligence test(s);
    --standardized language tests (minimum of two);
    --nonstandardized speech and language tests;
    --direct and indirect observations of the child's language in different settings;
    --language samples

III. ENROLLMENT

Caseload for this special education program unit shall not exceed sixty (60) students.

Caseload for a self-contained language classroom shall not exceed six (6) students.

VISUALLY HANDICAPPED

I. DEFINITION

Visually handicapped means an impairment of vision which interferes with the child's ability to benefit from or participate in a typical classroom setting without the assistance of special education services.

II. ELIGIBILITY DESCRIPTION AND EVALUATION STANDARDS

A. Classification

1. *Adventitiously visually handicapped* means a recent visual loss which requires immediate and intensive modification of educational programs.
2. *Severely visually handicapped* (legally blind) means visual impairment not exceeding 20/200 in the better eye or restricted to a field which subtends an arc of not greater than 20 degrees in the better eye.
3. *Moderately visually handicapped* (partially sighted) means a visual impairment not exceeding 20/70 in the better eye after the best possible correction and enabling the use of vision as the main channel of learning.
4. *Mildly visually handicapped* means a visual impairment that requires modification of regular or vocational education programs or provision of special and/or ancillary services.

B. Assessment

The determination of an impairment of vision shall be based on a diagnosis by a licensed opthalmologist or a licensed optometrist. The optometric evaluation is to be supported by a report from a licensed physician.

III. ENROLLMENT

Caseload for this special education program unit shall not exceed twenty (20) students.

Class size per instructional period shall not exceed six (6) students.

Caseload for preschool programs operating on a half-day schedule shall not exceed six (6) students per half-day.

25. New Hampshire

NEW HAMPSHIRE STATE BOARD OF EDUCATION

NEW HAMPSHIRE STANDARDS FOR THE EDUCATION OF HANDICAPPED STUDENTS

1776

Approved by the N.H. State Board
of Education at their meeting of

August 24, 1981

New Hampshire

HB 935

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand
nine hundred and eighty-one

AN ACT

inserting a new special
education program.

Be it Enacted by the Senate and House of
Representatives in General Court convened:

1 Repeal. RSA 186-A, relative to the program of special education, is hereby repealed.

2 New Chapter. Amend RSA by inserting after chapter 186-B the following new chapter:

CHAPTER 186-C

SPECIAL EDUCATION

186-C: 1 Policy and Purpose. It is hereby declared to be the policy of the state that all children in New Hampshire be provided with equal educational opportunities. It is the purpose of this chapter to insure that the state board of education and the school districts of the state provide a free and appropriate public education for all educationally handicapped children.

such as orientation and mobility services, low vision services, and interpreting services if they are required to assist an educationally handicapped student to benefit from special education.

ED 1101.04 Special Education Evaluation/Placement Team

The Special Education Evaluation/Placement Team is the group of individuals responsible for the entire process beginning with the referral and including identification, evaluation, development of Individual Education Programs, placement, and monitoring of special education or special education and educationally related services for eligible educationally handicapped students. The composition of the Team may vary depending upon the activity in which it is involved.

ED 1101.05 Educationally Handicapped Student

Educationally Handicapped Student means any person 3 years of age or older but less than 21 years of age who has been identified and evaluated by a school district according to the provisions of these Standards and determined to be mentally retarded, hearing impaired, speech or language impaired or both, visually impaired, seriously emotionally disturbed, orthopedically impaired, otherwise severely health impaired, deaf-blind, multihandicapped, or as having specific learning disabilities who, because of such impairment, needs special education and educationally related services.

The following definitions are for the purpose of coding a student educationally handicapped:

(a) "Deaf" means a hearing impairment which is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

(b) "Deaf-blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that cannot be accommodated in special education programs solely for deaf or blind students.

(c) "Hard of hearing" means a hearing impairment, whether permanent or fluctuating, which adversely affects a student's educational performance but which is not included under the definition of "deaf" in this Section.

(d) "Mentally retarded" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period which adversely affects a student's educational performance.

(e) "Multihandicapped" means concomitant impairments (such as mentally retarded-blind, mentally retarded-orthopedically impaired, etc.), the combination of which causes such severe educational problems that cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children.

(f) "Orthopedically impaired" means a severe orthopedic impairment which adversely affects a student's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.b., cerebral palsy, amputations, and fractures or burns which cause contractures).

(g) "Otherwise severely health impaired" means limited strength, vitality, or alertness due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a student's educational performance. This term includes students who are autistic.

(h) "Seriously emotionally disturbed" means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:

1 An inability to learn which cannot be explained by intellectual, sensory, or health factors;

2 An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

3 Inappropriate types of behavior or feelings under normal circumstances;

4 A general pervasive mood of unhappiness or depression; or

5 A tendency to develop physical symptoms or fears associated with personal or school problems.

6 The term includes students who are schizophrenic. The term does not include students who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.

(i) "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include students who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

(j) "Speech-language impaired" means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a student's educational performance.

(k) "Visually handicapped" means a visual impairment which, even with correction, adversely affects a student's educational performance. The term includes both partially seeing and blind students.

ED 1101.06 At No Cost

At No Cost means that all specifically designed instruction is provided without charge to parents but does not preclude incidental fees which are normally charged to non-handicapped students or their parents as part of the regular education program.

ED 1101.07 Physical Education

Physical Education means the development of physical and motor fitness; fundamental motor skills and patterns; and skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports). The term includes special physical education, adaptive physical education, movement education, and motor development.

ED 1101.08 Vocational Education

Vocational Education means organized educational programs which are directly related to the preparation of individuals for paid or unpaid employment or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

ED 1101.09 Days

Days, as used in these Standards, means calendar days.

ED 1101.10 Parent

Parent, as used in these Standards, means a parent, a guardian, or a surrogate parent who has been appointed in accordance with the Surrogate Parent Section of these Standards. The term does not include the State of New Hampshire if the student is a ward of the State.

ED 1101.11 Local School District

Local School District, as used in these Standards, refers to political subdivisions of the State organized under Revised Statutes Annotated 194:1. Local School Districts are municipal corporations under Revised Statutes Annotated 194:2.

ED 1101.12 Local School Officials

Local School Officials, as used in these Standards, refers to the administration of the Local School District.

ED 1101.13 Local School Board

Local School Board, as used in these Standards, refers to the elected governing body of the school district which is responsible for providing elementary and secondary education to all students who reside in the district.

ED 1101.14 Local Education Agency

Local Education Agency, as used in these Standards, refers to Local School Districts.

ED 1101.15 Student Evaluation

Student Evaluation is defined as the entire process of gathering and interpreting information about the student, the student's environment, and potential program. This process shall include but must not be limited to formal and informal testing conducted by qualified and certified or licensed personnel.

ED 1101.16 Curriculum

Curriculum, as used in these Standards, refers to all of the courses and other educational opportunities offered by a school or school district.

ED 1101.17 Special Education Information System (SPEDIS)

Special Education Information System (SPEDIS), as used in these Standards, refers to a computer-based special education data bank and retrieval system. Personally identifiable data entered in the System is maintained as confidential in accordance with applicable Federal and State law. The data in the System is used for program development, monitoring, compliance, and reporting to the State Board of Education, the New Hampshire Legislative bodies, and the Federal Department of Education.

ED 1101.18 Individual Education Program (Plan)

Individual Education Program (Plan) means a written plan for the education of an educationally handicapped student that has been developed by a school district in accordance with rules adopted by the State Board of Education and that provides necessary special

(b) These curricula may require modification to meet the unique needs of educationally handicapped students. Modifications may include but are not limited to: adaption/modification of equipment; modes of communication (use of interpreters); instructional materials; and teaching methods.

(c) When the regular school curricula with modification is inadequate to meet the needs of educationally handicapped students, special education curricula shall be developed. A student's Individual Education Program shall not be considered as a complete or total curriculum for a special education program.

ED 1119.04 EQUIPMENT AND MATERIALS

(a) Each Local Education Agency shall provide appropriate instructional equipment and materials adequate to implement each educationally handicapped student's Individual Education Program.

(b) Each Local Education Agency shall monitor the proper functioning of hearing aids, low vision aids, and other orthotic and prosthetic devices and adaptive equipment used by educationally handicapped students in school.

ED 1119.05 CLASS SIZE AND RANGE

(a) Self-Contained Special Education Class

(1) A Self-Contained Special Education Class shall be considered one in which educationally handicapped students spend more than fifty percent (50%) of their day in a single environment. The class shall be organized either on a categorical basis or according to the degree of severity of the handicapping condition.

(2) Self-contained special education classes for educationally handicapped students shall not be approved when the enrollment exceeds eight (8) at the early childhood, elementary, junior and/or senior high school level. The enrollment may be increased to twelve (12) if a paraprofessional is assigned to the program. Regardless of the specific teacher-student ratio, each program must provide credentialed personnel and educationally related services according to the Individual Education Program of each student. This means that a teacher-student ratio of less than 1:8 or 1:12 might be necessary if the need presented by the severe handicapping condition(s) so warranted.

(3) Students in self-contained special education classes for the educationally handicapped on the elementary level shall be grouped by chronological age with an

age range of not more than four (4) years. On the junior and senior high school levels, students shall be grouped by chronclogical age with an age range of not more than four (4) years and an academic range of not more than five (5) years.

(b) Preschool Programs

Students in preschool programs shall be grouped by developmental and achievement levels with an age and/or development range of not more than three (3) years.

(c) Resource Rooms

(1) Resource rooms may serve for no more than fifty percent (50%) of the school day as an adjunct to assignment to regular educational programs for educationally handicapped students. Students must not receive all of their academic training in this setting.

(2) The total number of educationally handicapped students being served in the resource room at any given time shall not exceed twelve (12) students without the assistance of support personnel. This does not preclude the presence of some additional students working on independent projects.

(3) Categorical resource rooms are designed to provide services to a single category of educationally handicapped students who are integrated into regular classrooms. Non-categorical resource rooms are designed to provide services to students with mild and moderate educational handicapping conditions. It is the responsibility of the Local Education Agency to insure that the abilities of the resource room teacher are matched with the educationally handicapped student's needs as described in the Individual Education Programs and that the resource room teacher has the competencies to implement the Individual Education Programs of educationally handicapped students assigned to the resource room.

(d) Waivers For Class Size and Age Range

Waivers from the above patterns (1-3) may be approved when it is evident to the State Department of Education that an adequate special education program is maintained. The appeal procedure which applies to this waiver is found in the Procedure For Appealing Any New Hampshire State Department of Education Decision Regarding the Provision of a Free, Appropriate Public Education Section of these Standards.'

26. New Jersey

N.J.A.C. 6:28-1.1 through 6:28-10.8 --repealed.
N.J.A.C. 6:28-1.1 through 6:28-10.3 -- adopted as new rules.

The State Board of Education, at its regular meeting on June 6, 1984 repealed in its entirety the existing text of N.J.A.C. 6:28-1.1 through 6:28-10.8 and adopted new rules as N.J.A.C. 6:28-1.1 through 6:28-10.3. The effective date for the rules is July 16, 1984 (R. 1984, d. 306).

CHAPTER 28

SPECIAL EDUCATION

NEW JERSEY ADMINISTRATIVE CODE

TITLE 6

EDUCATION

SUBTITLE F. DIVISION OF CURRICULUM AND INSTRUCTION

CHAPTER 28. SPECIAL EDUCATION

AUTHORITY: N.J.S.A. 18A:4-15, 18A:7A-1 et seq., 18A:7B-1 et seq., 18A:7C-1 et seq., 18A:40-4, 18A:46-1 et seq., 18A:46A-1 et seq., 18A:48-8, 39:1-1, U.S.P.L. 93-112, Sec. 504 and 94-142

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

6:28-1.1 General requirements
6:28-1.2 Plans for special education
6:28-1.3 Definitions

SUBCHAPTER 2. PROCEDURAL SAFEGUARDS
6:28-2.1 General requirements
6:28-2.2 Surrogate parents
6:28-2.3 Parental notice, consent and participation
6:28-2.4 Native language
6:28-2.5 Protection in evaluation procedures
6:28-2.6 Conflict resolution efforts
6:28-2.7 Due process hearings
6:28-2.8 Disciplinary action
6:28-2.9 Pupil records

SUBCHAPTER 3. SERVICES
6:28-3.1 Child study teams
6:28-3.2 Identification
6:28-3.3 Referral
6:28-3.4 Comprehensive evaluation
6:28-3.5 Determination of eligibility
6:28-3.6 Individualized education program
6:28-3.7 Related services
6:28-3.8 Services to pupils in programs operated by the State of New Jersey

SUBCHAPTER 4. PROGRAMS
6:28-4.1 General requirements
6:28-4.2 Program implementation
6:28-4.3 Transition of an educationally handicapped pupil from an elementary to a secondary school
6:28-4.4 Diplomas and graduation

SUBCHAPTER 5. APPROVED CLINICS AND AGENCIES

6:28-5.1 General requirements

6:28-5.2 Approval procedures

SUBCHAPTER 6. SERVICES FOR NONPUBLIC SCHOOL PUPILS

6:28-6.1 General requirements

6:28-6.2 Definitions

6:28-6.3 Provision of programs and services

6:28-6.4 Fiscal management

6:28-6.5 End of the year report

SUBCHAPTER 7. PROGRAMS BY EDUCATIONAL SERVICES COMMISSIONS, JOINTURE COMMISSIONS, REGIONAL DAY SCHOOLS, COUNTY SPECIAL SERVICES SCHOOL DISTRICTS, THE MARIE H. KATZENBACH SCHOOL FOR THE DEAF AND PRIVATE SCHOOLS

6:28-7.1 General requirements

6:28-7.2 Approval procedures

6:28-7.3 Responsibilities of district boards of educati

6:28-7.4 Provision of programs

6:28-7.5 Termination or withdrawal from an educational program

6:28-7.6 Fiscal management

6:28-7.7 Records

SUBCHAPTER 8. PROGRAMS OPERATED BY OTHER DEPARTMENTS OF NEW JERSEY STATE GOVERNMENT

6:28-8.1 General requirements

6:28-8.2 Pupil records

6:28-8.3 Procedural safeguards

6:28-8.4 Provision of programs

6:28-8.5 Eligibility to receive State funds

6:28-8.6 Program review and approval

SUBCHAPTER 9. MONITORING, CORRECTIVE ACTION AND COMPLAINT INVESTIGATION

6:28-9.1 Monitoring and corrective action

6:28-9.2 Complaint procedures

SUBCHAPTER 10. EARLY INTERVENTION PROGRAMS

6:28-10.1 General requirements

6:28-10.2 District board of education responsibilities

6:28-10.3 Approval process

(k) By June 30 of a pupil's last year in a program for the preschool handicapped, the child study team shall review available assessment information and obtain the additional evaluations necessary to determine eligibility and, if appropriate, classification according to N.J.A.C. 6:28-3.5.

6:28-3.5 Determination of eligibility

(a) When an evaluation is completed, the child study team and parent(s) shall meet with the school principal and referring staff member(s), if they choose to participate, in order to:

1. Develop a collaborative evaluation summary;

2. Determine whether the pupil is eligible for special education and/or related services;

i. If a pupil is determined to be eligible for special education and/or related services, the collaborative evaluation summary shall become the basis for the current educational status statement of the individualized education program.

3. Determine a classification category as defined in (e) below;

(b) Whether or not a pupil is determined eligible for special education and/or related services, the parent(s) and the referring staff member shall be given a written summary, signed by the child study team, of all decisions and any recommended course(s) of action.

(c) When an educationally handicapped pupil transfers into a local school district, review of the appropriateness of the classi cation and individualized education program shall be conducted within 30 calendar days.

(d) The child study team, after parental notification, shall terminate a pupil's eligibility when sufficient written documentation is presented to indicate that the pupil no longer requires special education and/or related services.

(e) Classification of pupils determined to be eligible for special education and/or related services shall be based on the evaluations of the child study team, the school physician and such other specialists as noted and shall be according to the following definitions:

1. "Auditorily handicapped" means an inability to hear within normal limits due to physical impairment or dysfunction of auditory mechanisms characterized by i. and ii. below. Evaluations by a specialist qualified in the field of audiology and a speech and language evaluation by a certified speech correctionist are required.

i. The pupil is impaired in processing linguistic information through hearing, with or without amplification; and

ii. The loss of hearing may be permanent or fluctuating and adversely affects the pupil's education.

2. "Chronically ill" means a health condition which makes it impractical to receive adequate instruction through a regular school program and characterized by i. or ii. below. Evaluation by the school physician or his or her review and written acceptance of the medical report of another physician is required. The school nurse shall assist in the accumulation of the data necessary to determine eligibility.

i. "Chronic illness" means a condition such as tuberculosis, cardiac condition, leukemia, asthma, seizure disorders or other medical disability.

ii. "Eligible for home instruction" means a temporary health condition which requires individual instruction be provided to a pupil confined to home or hospital for at least a two week period of time as determined by the school physician.

3. "Communication handicapped" means impaired native speech or language which is outside the range of acceptable variation, adversely affects a pupil's educational performance and is not due primarily to hearing impairment as defined under "auditorily handicapped." It is characterized by i. or ii below. An evaluation by a certified speech correctionist is required.

i. "Communication handicapped" means a severe speech or language disorder which interferes with the ability to use oral language to communicate;

ii. "Eligible for speech correction" means a mild to moderate disorder in language, articulation, voice or fluency which requires instruction by a speech correctionist.

4. "Emotionally disturbed" means the exhibiting of seriously disordered behavior over an extended period of time which adversely affects educational performance and may be characterized by i. or ii. below. An evaluation by a psychiatrist experienced in working with children is required.

i. An inability to build or maintain satisfactory interpersonal relationships;

ii. Behaviors inappropriate to the circumstances, uch as, a general or pervasive mood of depression or the evelopment of physical symptoms or irrational fears.

5. "Mentally retarded" means cognitive, social and cademic functioning which is seriously below age expectations. uch functioning is comprehensive in nature being demonstrated in ome, school and community settings, and characterized by one of he following:

i. "Educable" means a level of cognitive evelopment and adaptive behavior in home, school and community ettings that are moderately below age expectations with respect o all of the following:

(1) The quality and rate of learning;

(2) The use of symbols for the interpretation of information and the solution of problems;

(3) Performance on an individually administered test of intelligence that falls within a range of two to three standard deviations below the mean.

ii. "Trainable" means a level of cognitive development and adaptive behavior that is severely below age expectations with respect to all of the following:

(1) The ability to use symbols in the solution of problems of low complexity;

(2) The ability to function socially without direct and close supervision in home, school and community settings;

(3) Performance on an individually administered test of intelligence that falls three standard deviations more below the mean.

iii. "Eligible for day training" means a level of functioning profoundly below age expectations whereby on a consistent basis the pupil demonstrates an inability to understand and respond to simple verbal or nonverbal communication demonstrates an inability to make known basic wants or needs, and requires total personal care and supervision.

6. "Multiply handicapped" means the presence of two or more educationally handicapping conditions which interact in such a manner that programs designed for the separate handicapping conditions will not meet the pupil's educational needs. All evident educational handicaps shall be documented. Eligibility for speech correction as defined in this section shall not be one of the handicapping conditions which forms the basis for the classification of a pupil as "multiply handicapped.". Evaluations by all specialists required in this subsection for the separate handicapping conditions being considered for the determination of "multiply handicapped" are required.

7. "Neurologically or perceptually impaired" means impairment in the ability to process information due to physiological, organizational or integrational dysfunction which is not the result of any other educationally handicapping condition or environmental, cultural or economic disadvantage and is characterized by i. or ii. below.

i. "Neurologically impaired" means a specific impairment or dysfunction of the nervous system which adversely affects the education of a pupil. An evaluation by a physician trained in neurodevelopmental assessment is required.

ii. "Perceptually impaired" means a specific learning disability manifested in a disorder in understanding and learning, which affects the ability to listen, think, speak, read, write, spell and/or compute to the extent that special education is necessary for achievement in an educational program.

8. "Preschool handicapped" means a condition which seriously impairs a child's functioning and which has a high predictability of seriously impairing normal educational development.

9. "Orthopedically handicapped" means a condition which, because of malformation, malfunction or loss of bones, muscle or body tissue, necessitates special education and/or related services. An evaluation by a physician qualified to conduct an orthopedic evaluation is required.

10. "Socially maladjusted" means a consistent inability to conform to the standards for behavior established by the school. Such behavior is seriously disruptive to the education of the pupil or other pupils and is not due to emotional disturbance as defined in 4. above. An evaluation by a psychiatrist experienced in working with children is to be obtained if determined necessary by the child study team.

11. "Visually handicapped" means an inability to see within normal limits as characterized by i. or ii. below. An

evaluation by a specialist qualified to determine visual disability is required. Visually handicapped pupils eligible for special education and/or related services shall be reported to the Commission for the Blind and Visually Impaired.

i. "Blind" means a loss of acuity or field restriction so great that a pupil cannot rely on sight to learn.

ii. "Partially sighted" means a field restriction or loss of visual acuity which adversely affects a pupil's education, but which does not warrant classification of a pupil as "blind." A partially sighted pupil is able to use sight to learn.

6:28-3.6 Individualized education program

(a) The individualized education program for each educationally handicapped pupil shall consist of a basic plan and an instructional guide.

(b) The basic plan of the individualized education program shall be written upon completion of the child study team's evaluation and within 30 calendar days of the determination that the pupil is eligible for special education and/or related services and according to the timelines in N.J.A.C. 6:28-2.1.

(c) The basic plan of the individualized education program shall be developed at a meeting attended by the child study team, the parent(s), teacher(s) having knowledge of the pupil's educational performance and the pupil, when appropriate. The referring certified school personnel, the school principal or designee and other appropriate individuals may participate in the

1. Supplementary instruction and speech correction provided to educationally handicapped pupils shall be in addition to the regular instructional program and shall meet the following criteria:

i. Speech correction may be given individually or in groups not to exceed three pupils.

ii. Supplementary instruction may be given individually or in groups not to exceed five pupils.

iii. A teacher providing supplementary instruction shall be appropriately certified for the subject or level in which instruction is given.

iv. Speech correction shall be provided by a certified speech correctionist.

2. Resource room programs shall be instructional centers offering individual and small group instruction in place of regular classroom instruction and shall meet the following criteria:

i. An educationally handicapped pupil in a resource room shall be enrolled on a regular public school class register with his or her chronological peers. Instructional responsibility for such a pupil shall be shared between the resource room teacher and the regular class teacher(s).

ii. Depending on the type of resource room program, the resource room teacher shall hold certification as teacher of the handicapped, or teacher of blind or partially sighted, or teacher of deaf or hard of hearing.

iii. A resource room teacher shall be provided one hour per day or, in the secondary or departmentalized program one instructional period per day, for consultation with the regular teaching staff.

iv. Types of resource room programs shall be designated as follows:

(1) Single handicap program for pupils with the same classification;

(2) Mixed handicap program for pupils with different classifications;

(3) Open program for nonhandicapped and handicapped pupils.

v. The number of pupils in a resource room at any given time shall not exceed five. The total number of pupils assigne to a resource room teacher shall be no more than 20.

vi. The maximum amount of time per day a pupil shall participate in a resource room program at the elementary level is two hours; at the secondary level, two instructional periods.

3. Special class programs shall meet the following criteria:

i. An educationally handicapped pupil in a special class program shall be enrolled on a special class register.

ii. Pupils shall be the primary instructional responsibility of the special education teacher. Such teachers shall work cooperatively with other teachers to whom the educationally handicapped pupil may be assigned for portions of his or her educational program.

iii. Depending on the educational handicaps of the pupils assigned to the special class program, the special class teacher shall hold certification as teacher of the handicapped, or teacher of blind or partially sighted, or teacher of deaf or hard of hearing. Teachers of the preschool handicapped shall additionally hold nursery school endorsement.

iv. The age span in special class programs shall not exceed four years.

v. A special class program shall serve pupils who have the same classification. Class sizes shall not exceed the following:

(1) Auditorily handicapped - 8 pupils;

(2) Chronically ill - 15 pupils;

(3) Communication handicapped - 8 pupils;

(4) Emotionally disturbed - 8 pupils;

(5) Mentally retarded, educable - 15 pupils;

(6) Mentally retarded, trainable - 10 pupils;

(7) Mentally retarded, eligible for day training - 9 pupils (pupil to staff ratio of three to one);

(8) Multiply handicapped - 8 pupils;

(9) Neurologically impaired - 8 pupils;

(10) Orthopedically handicapped - 10 pupils;

(11) Perceptually impaired - 12 pupils;

(12) Preschool handicapped - 8 pupils (classroom aide required);

(13) Socially maladjusted - 12 pupils;

(14) Visually handicapped - 8 pupils.

vi. The above maximum class sizes may be increased no more than one-third with the addition of a classroom aide by obtaining prior written approval from the Department of Education through its county office.

4. Enrollment in secondary special class programs may be increased by one-half the maximum class size for pupils with the same classification as noted in 3.v. above. For instructional purposes, no group shall contain more than the maximum number of educationally handicapped pupils with the same classification as noted in 3.v. and vi. above.

i. An educationally handicapped pupil enrolled on the register of a secondary special class program shall receive a minimum of three instructional periods with the certified teacher(s) of the handicapped who maintains primary instructional responsibility for the pupil. The remainder of the pupil's instruction may be provided in the following settings, as appropriate.

(1) A class period(s) consisting solely of educationally handicapped pupils instructed by a regular education teacher where an adapted general education curriculum is used. In such classes enrollment for each period shall be as follows:

(A) In class groups comprised of pupils with a single classification, class sizes shall be according to 3.v. above.

(B) In class groups comprised of pupils with mixed handicaps, the group shall be limited to eight educationally handicapped pupils.

(2) A regular education class instructed by an appropriately certified subject area teacher. The number of educationally handicapped pupils who are enrolled on a special class register who can attend any given instructional period in such classes shall be limited to four if program modification is required.

ii. Vocational education programs shall be made available to an educationally handicapped pupil at the secondary level consistent with his or her individualized education program.

(1) For the pupil placed in a vocational program outside of the local district, responsibility shall be as follows:

(A) In a full-time county vocational school, all responsibility for programs and services rests with the receiving district board of education.

(B) In a shared-time county vocational school and in an area vocational technical school, primary responsibility rests with the sending district board of education. Vocational personnel shall participate in the individualized education program decisions.

(2) In vocational programs class sizes shall be as follows:

(A) For a class consisting solely of educationally handicapped pupils, the limit shall be 10;

(B) For participation in a regular class, the number of educationally handicapped pupils shall be limited to four if program modification is required.

5. Instruction provided in lieu of classroom instruction for pupils classified by the school physician as eligible for home instruction shall meet the following criteria:

i. Instruction shall be provided at the pupil's place of confinement.

ii. The pupil shall be carried on an individual instruction register.

iii. Instructional services shall begin within seven calendar days after eligibility has been established.

iv. The teacher providing instruction shall be appropriately certified for the subject or level in which the instruction is given.

v. The pupil shall receive a program that meets the requirements of the district board of education for promotion and graduation.

vi. Instruction shall be provided for no fewer than five hours per week. The five hours of instruction per week shall be accomplished in no fewer than three visits by a teacher on three separate days. When instruction is provided by direct communication to a classroom program by telephone or television, this instruction shall be in addition to the basic five hours of instruction by a teacher.

vii. Instruction may be provided for up to 60 calendar days in a school year. If the school physician believes that instruction for a longer period of time is indicated, referral shall be made according to N.J.A.C. 6:28-3.3 for determination by the child study team of eligibility for special education and/or related services.

6. A pupil classified as educationally handicapped by a child study team may have the individualized education program implemented through instruction at home when it can be demonstrated that no other program option is appropriate at that time.

i. Prior written approval to provide home instruction shall be obtained from the Department of Education through its county office.

ii. Approval shall be obtained for a maximum of 60 calendar days.

iii. Subparagraphs ii., iv., v. and vi. of paragraph 5 above shall apply to the home instruction program of pupils classified by the child study team.

(c) Any exceptions regarding the requirements of this subchapter shall be made only with prior written approval of the Department of Education through its county office.

6:28-4.3 Transition of an educationally handicapped pupil from an elementary to a secondary school

Transition from elementary school to the secondary school shall be based on the recommendation of the child study team and shall be consistent with the pupil's individualized education program. Transition shall be determined by factors including number of years in school; social, academic and vocational development; chronological age; and need for the opportunities of the secondary school.

6:28-4.4 Diplomas and graduation

(a) A handicapped pupil who entered a high school program prior to September 1981 and who successfully completes his or her individualized education program shall receive the secondary diploma of the school district responsible for his or her education.

(b) An educationally handicapped pupil who entered a high school program in September 1981 or thereafter shall meet the high school graduation requirements according to N.J.A.C. 6:8-4.2, unless exempted in his or her individualized education program. The individualized education program must specifically address these graduation requirements. Fulfillment of the individualized education program requirements would qualify the educationally handicapped pupil for a State endorsed diploma issued by the school district responsible for his or her education.

(c) If a pupil attends a school other than that of the school district of residence which is empowered to grant a diploma, the pupil shall have the choice of receiving the diploma of the school attended or the diploma of the school district of residence.

(d) If a district board of education grants an elementary school diploma, an educationally handicapped pupil who fulfills the requirements of his or her individualized education program shall qualify for a diploma.

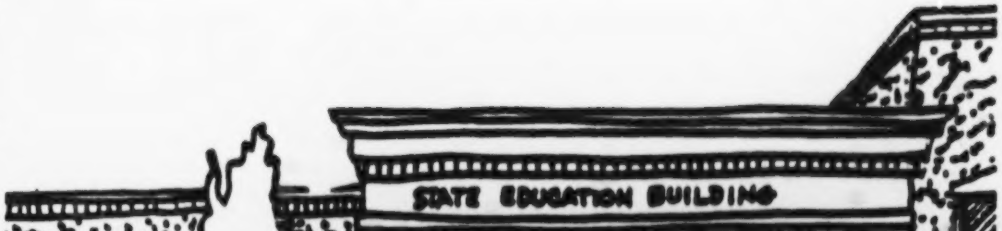
(e) Educationally handicapped pupils shall have the opportunity to participate in graduation exercises and related activities on a nondiscriminatory basis.

27. New Mexico

¹standard: something set up and established by authority as a rule for the measure of quantity, weight, extent, value, or quality ¹standard: something set up and established by authority as a rule for the measure of quantity, weight, extent, value, or quality ¹standard: something set up and established by authority as a rule for ¹standard: something set up and established by authority as a rule for the measure of quantity, weight, extent, value, or quality

EDUCATIONAL STANDARDS FOR NEW MEXICO SCHOOLS

JULY 1985



BASIC,
SPECIAL
EDUCATION,
VOCATIONAL
PROGRAMS

EDUCATIONAL STANDARDS
FOR NEW MEXICO SCHOOLS

Approved: June, 1985

Effective: July, 1985

New Mexico State Board of Education

Alan D. Morgan

Superintendent of Public Instruction

TABLE OF CONTENTS

Section A - Basic and Vocational Program Standards

Page

Preface to Section A . . . . A-i
Introduction To Section A . . . . A-ii

A.1 Chapter One - Administrative Policies and Procedures
A.1.1 The Local Board of Education A-1
A.1.2 The Local Superintendent A-3
A.1.3 The Principal and/or Principal's Designee A-4
A.1.4 Records and Reports A-5
A.1.5 Facilities A-6
A.1.6 Non-Instructional Equipment and Supplies A-7

A.2 Chapter Two - Personnel Certification and Preparation
A.2.1 Certification Requirements A-8

A.3 Chapter Three - School District Organization and Calendar
A.3.1 Organization of Grade Levels/Establishing-Closing Schools A-9
A.3.2 Length of School Day and Year A-9

A.4 Chapter Four-Instructional Program Planning and Implementation
A.4.1 Curriculum A-10
A.4.2 Promotion Criteria and Entry Placement A-13
A.4.3 Graduation Requirements A-14

A.5 Chapter Five - Bilingual/Multicultural Education Programs
A.5.1 Needs Assessment A-28
A.5.2 Notification of Parents A-28
A.5.3 Provision of Equal Educational Opportunity A-28
A.5.4 Staffing Patterns A-28
A.5.5 Financial Support A-29
A.5.6 Advisory Committees A-30

A.6 Chapter Six - Vocational Education Programs
A.6.1 Vocational Education Services A-31
A.6.2 Advisory Committees A-31
A.6.3 Curriculum A-32
A.6.4 Program Management A-44

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Table of Contents, Section A, Continued

A.7 Chapter Seven - Support Services and Programs

A.7.1 Guidance Programs A-35
A.7.2 Library Media Center Programs A-36
A.7.3 Health Services Programs A-37
A.7.4 Activity Programs. A-38

A.8 Chapter Eight - Staffing Patterns

A.8.1 Student/Teacher Ratios A-39
A.8.2 Teaching Load A-39

A.9 Chapter Nine - Waivers, Enforcement, Penalties

A.9.1 Waivers A-40
A.9.2 Enforcement, Penalties A-40

Section B - Special Education Program Standards

Introduction to Section B . . . . B-i

B.1.0 Organization and Administration

B.1.1 Establishment of Services B-1
B.1.2 Identification/Location of Exceptional Children B-1
B.1.3 Special Education Services B-2
B.1.4 Ancillary and Support Services B-7
B.1.5 Range of Services B-9
B.1.6 Work-Study Program B-9
B.1.7 Alternative Programs Through Local Education Agency Agreement B-10
B.1.8 Alternative Programs by State Operated/Supported Program B-12
B.1.9 Transportation B-13
B.1.10 Involvement of Parents B-13

B.2.0 Screening, Referral, Evaluation, Identification, and Plan

B.2.1 Sequence B-15
B.2.2 General Screening B-16
B.2.3 Referral for Special Education Evaluation B-16
B.2.4 Parent Notification and Consent B-16
B.2.5 Pre-Diagnostic Information B-18
B.2.6 Diagnostic Procedures B-18

B.2.7 Linguistic and Multicultural Factors B-20
B.2.8 Educational Appraisal and Review Committee B-21
B.2.9 Program Selection B-22
B.2.10 Individualized Educational Program B-22
B.2.11 Annual Review of Student Progress B-24
B.2.12 Parent Notification and Consent for Placement B-24
B.2.13 Three Year Reevaluations B-25
B.2.14 Transfer Students B-26

B.3.0 Procedural Safeguards

B.3.1 Mediation B-27
B.3.2 Impartial Hearing Process B-27
B.3.3 State Administrative Review B-31
B.3.4 Surrogate Parent B-36

B.4.0 Behaviorally Disordered

B.4.1 Definition B-37
B.4.2 Required Evaluation Data B-37
B.4.3 Analyzing Data for Educational Needs B-38
B.4.4 Program Requirements B-38

B.5.0 Communication Disordered

B.5.1 Definition B-40
B.5.2 Required Evaluation Data B-40
B.5.3 Analyzing Data for Educational Needs B-42
B.5.4 Program Requirements B-42

B.6.0 Gifted

B.6.1 Definition B-44
B.6.2 Required Evaluation Data B-44
B.6.3 Analyzing Data for Educational Needs B-45
B.6.4 Program Requirements B-46

B.7.0 Hearing Impaired

B.7.1 Definition B-48
B.7.2 Required Evaluation Data B-48
B.7.3 Analyzing Data for Educational Needs B-49
B.7.4 Program Requirements B-50

Table of Contents, Section B, Continued

B.8.0 Learning Disabled

B.8.1 Definition B-51
B.8.2 Required Evaluation Data B-51
B.8.3 Analyzing Data for Educational Needs B-52
B.8.4 Program Requirements B-54

B.9.0 Mentally Handicapped

B.9.1 Definition B-55
B.9.2 Required Evaluation Data B-55
B.9.3 Analyzing Data for Educational Needs B-56
B.9.4 Program Requirements B-58

B.10.0 Multiply Impaired

B.10.1 Definition B-59
B.10.2 Required Evaluation Data B-59
B.10.3 Analyzing Data for Educational Needs B-60
B.10.4 Program Requirements B-60

B.11.0 Physically Impaired

B.11.1 Definition B-61
B.11.2 Required Evaluation Data B-61
B.11.3 Analyzing Data for Educational Needs B-62
B.11.4 Program Requirements B-62

B.12.0 Visually Impaired

B.12.1 Definition B-64
B.12.2 Required Evaluation Data B-64
B.12.3 Analyzing Data for Educational Needs B-65
B.12.4 Program Requirements B-65

Section C - Addenda

Addendum A - Suggested Courses of Study C-1
Addendum B - Definitions C-3
Addendum C - State Board Regulation 85-1 . . . . C-5

CHAPTER FOUR

B.4.0 Behaviorally Disordered

B.4.1 Definition

B.4.1.1 Within the educational setting, the behaviorally disordered child is one whose behavior may be discordant in his/her relationship with others and whose academic achievement has been impaired due to an inability to learn utilizing the presented teaching techniques. The child's current behavior manifests either an extreme or a persistent failure to adapt and function intellectually, emotionally, and socially at a level commensurate with his/her level and chronological age.

B.4.2 Required Evaluation Data

B.4.2.1 Pre-diagnostic data as defined in Standard B.2.5 must be collected prior to formal assessment.

B.4.2.2 Formal diagnosis and measurement by qualified personnel:

a. Intelligence (one test required).

b. Developmental/Perceptual Assessment (one required).

c. Achievement (one test required).

d. Behavioral Measure (minimum of two informants required).

e. Formal Behavior Observation - The observation shall be performed by the educational diagnostician or another trained professional other than the student's teacher (required).

The observation is to provide a precise data-based description of the behavior patterns of concern. The general procedure is to collect data systematically from direct observation of the child in the environmental situations in which the behaviors of concern occur in comparison to other children in the same environment. The observation should result in:

(1) A clear description of the behavior patterns of concern;

912

B.4.2.2 e. (2) A measure of frequency of occurrence of the behavior in terms of times per minute, hour, day, or other time unit; and

(3) An indication of the intensity of the behavior patterns.

f. Self-Concept Measure (recommended).

g. For a child being considered for a D level program, a formal psychiatric or clinical psychological evaluation with written findings and recommendations inclusive of therapy and program structure needs is required.

B.4.2.3 Reevaluation Procedures:

Administer all formal diagnostic procedures as required in Standard B.4.2.2.

B.4.3 Analyzing Data for Educational Needs

B.4.3.1 In general, a child may be considered to be primarily behaviorally disordered even if mentally handicapped, hearing impaired, visually impaired, physically handicapped, learning disabled, or gifted. The child must be considered in terms of the overriding condition and provided a special education program accordingly.

B.4.3.2 Recommendation for program needs of a behaviorally disordered child is to be based on a combination of factors:

a. The severity of the problem.
b. The student's success in the regular program.
c. Diagnostic recommendations.
d. Psychiatric/psychological evaluation data where available.

B.4.4 Program Requirements

B.4.4.1 Goals for Planning Individualized Educational Programs:

a. The student will establish desirable behavior to maximize academic achievement and adaptation to the educational environment as a result of behavioral intervention strategies.

b. The student will integrate into the regular program as the student increases the ability to cope outside a structured environment.

CHAPTER EIGHT

Staffing Patterns

A.8.1 Student/Teacher Ratios

A.8.1.1 The overall district ratio of students to teachers shall not exceed twenty-five to one (25:1). In determining this ratio, only classroom teacher* positions (FTE) shall be counted. (Public School Code 22-8-9.)

A.8.1.2 For grades K-3, the overall district ratio of students to teachers shall not exceed twenty-two to one (22:1). In determining this ratio, only classroom teacher positions (FTE) shall be counted.

A.8.1.3 The student/teacher ratio in vocational-technical education is dependent upon the number of work stations provided. Enrollment shall not exceed the number of work stations that can be supervised safely and effectively.

A.8.1.4 Students enrolled in vocational on-the-job training classes (cooperative education) are counted as enrolled each hour of work during the school day.

A.8.2 Teaching Load

A.8.2.1 The class load for certified kindergarten instructors shall not exceed 20 students.

A.8.2.2 The class load for certified instructors, grades 1-3, shall not exceed 26 students.

A.8.2.3 The class load for certified instructors, grades 4-6, shall not exceed 29 students.**

A.8.2.4 The daily teaching load per teacher in grades 7-12 shall not exceed 160 students, except in activity-type programs such as music and physical education.**

*"Classroom teacher" means any person holding a valid certificate to teach and responsible for providing instruction in subject matter areas. This definition does not apply to the school nurse, guidance counselor, or librarian.

**When grade 6 is included in an elementary school, 8.2.3 applies. When grade 6 is included in a junior high/middle school, 8.2.4 applies.

914

CHAPTER FIVE

B.5.0 Communication Disordered

B.5.1 Definition

B.5.1.1 The communication disordered child is one whose primary handicap is the impaired ability to understand or use language for learning and communicating. A communication disordered child may exhibit one or more of the following types of communication disorders:

a. Phonological Disorder (articulation) — defective reception, processing, or production of phonemes (speech sounds). Production errors include: substitution of one phoneme for another, omission of phonemes in words, phonemic distortions, and errors in sequencing phonemes.

b. Voice Disorder — abnormality in pitch, loudness, or quality resulting from pathological conditions or inappropriate use of the vocal mechanism.

c. Fluency Disorder — disruptions in the normal, rhythmic flow of speech that interfere with communication.

d. Language Disorder — a disability in the use of oral and written language which results in difficulty in language comprehension, verbal production, verbal learning, and language processing or reduced ability to use oral language effectively, including inability to participate in verbal interactions or in planning and executing discourse appropriate to one's developmental level. Sensory, motor, cognitive, and emotional disabilities may also be present, but are not the primary disabling condition in this category. Written language deficiencies, if present, are secondary to the primary deficit of the oral language system. Some children diagnosed as autistic may be appropriately treated in a communication disordered class.

B.5.2 Required Evaluation Data

B.5.2.1 Pre-diagnostic data as defined in Standard B.2.5 must be collected prior to formal assessment except that the case history is optional for a suspected phonological disorder.

B.5.2.2 Formal diagnosis and measurement by qualified personnel in the area(s) for a suspected phonological disorder.

a. Articulation Disorder (Speech-Language Pathologist):

(1) Oral peripheral examination (one required).
(2) Articulation (one test required).
(3) Test of auditory memory.
(4) Test of auditory discrimination.
(5) Language assessment.
(6) Measurement of understanding and expression of syntax.
(7) Conversational speech sample required.

b. Voice Disorder (Speech-Language Pathologist):

(1) Analysis of voice samples (required).

(2) Laryngeal examination report with written approval from an otolaryngologist or other physician for a child to receive speech therapy (required).

c. Fluency Disorder (Speech-Language Pathologist):

(1) Analysis of speech sample (required).

d. Language Disorder: General language assessment shall be done by a speech-language pathologist. When a language disorder is suspected, the educational assessment shall be conducted by an educational diagnostician.

(1) Assessment of receptive, integrative, and expressive language including an analysis of a language sample (required).

(2) Intelligence (one test required).

(3) Achievement (one test required).

B.5.2.3 Reevaluation Procedures:

In accordance with Standard B.2.13, the intelligence test may be excluded from the formal diagnostic process where original findings are within minus 1.0 standard deviation of the mean or above on the test instrument used.

916

B.5.3 Analyzing Data for Educational Needs

B.5.3.1 The recommendation for a program level for the communication disordered must be based on a combination of factors:

- a. Deviation of oral language from the norm of peers.
- b. Ability to succeed in the regular program.
- c. Recommendations from the evaluation process.

B.5.3.2 Differentiation from other types of learners:

- a. This exceptionality is to be differentiated from bilingual needs or dialectical and cultural differences in language use; for example, a bilingual child may need this program, not because of his/her bilingualism but because of phonological, voice, fluency, language, or pragmatic difficulties he/she is experiencing in either or both languages.
- b. Learning disabled children who do not have significant oral language problems should not be categorized as communication disordered.
- c. Children whose speech and language problems are due to hearing impairment should be placed under that category.
- d. Mentally handicapped children and behaviorally disordered children may have speech and language deficits and need speech-language pathology services; however, they can be categorized as communication disordered only if their verbal skills are significantly depressed in relationship to their general level of functioning.

B.5.4 Program Requirements

B.5.4.1 Goals for Planning Individualized Educational Programs:

- a. The student will show measurable gain in the habilitation or rehabilitation of the specific phonological, voice, fluency, language, or communicative function disorder. (This is the major emphasis of a program for the communication disordered.)
- b. The student in a C or D level secondary program will develop prevocational/vocational skills.
- c. The student in a C or D level program will develop basic skills.

B.5.4.1 d. The student in a C or D level program will integrate into the regular program as the ability to cope outside the C and D level structured environment increases.

B.5.4.2 **Facilities:**

a. The speech-language pathologist or special education teacher shall be provided with a room free of noise and interruption and with good acoustic properties.

b. Separate A-Speech therapy rooms may be smaller in area than a regular classroom, but must be large enough to accommodate groups of students.

B.5.4.3 **Materials and Equipment:**

a. Record player, records, recorder and tapes, speech mirrors and selected educational systems are necessary.

b. Audiometer (if speech-language pathologist is to conduct hearing screening) must be provided.

918

CHAPTER SIX

B.6.0 Gifted

B.6.1 Definition

B.6.1.1 The gifted child is one who is identified as possessing abilities that give evidence of outstanding performance capability in areas such as intelligence, critical thinking, creativity, or academics.

B.6.2 Required Evaluation Data

B.6.2.1 Pre-diagnostic data as defined in Standard B.2.5 must be collected prior to formal assessment.

B.6.2.2 Formal diagnosis and measurement by qualified personnel:

The evaluation process must use the following four types of assessment procedures in identifying gifted children. All four areas must be tested. Results must show outstanding performance in two of the four assessed areas:

a. Creativity/Divergent Thinking (one test required).
b. Critical Thinking/Problem Solving (one test required).
c. Intelligence (one test required).
d. Achievement (one test required).

B.6.2.3 In accordance with Standard B.2.13, alternative reevaluation diagnostic processes to determine continued placement in special education may be used provided the district submits a statement of evaluative criteria to the State Superintendent of Instruction for prior approval. Evaluation components must include but are not limited to:

a. Creativity/Divergent Thinking testing.

b. Critical Thinking/Problem Solving testing.

c. Teacher justification of student program continuation which addresses nature of program and relationship of special services to planned outcomes.

d. Teacher documentation of special accomplishments of the student (e.g., written work, exhibits, performance).

e. Achievement testing.

B.6.3 Analyzing Data for Educational Needs

B.6.3.1 The identification of a child as gifted requires an analysis of both standardized test results and data on the child's abilities from other sources (e.g., regular classroom teachers, special class teachers, others familiar with the child's performance) or observation and ratings of the child. The following criteria must be used:

a. Outstanding creativity or divergent thinking is indicated by a test score at or above 1.5 standard deviations from the mean, above the 96th percentile, or three grade placements above the student's age-grade placement, depending on the test data reporting system of the publisher. Creativity occurs in different settings. Data from observation of the child or reports from qualified individuals knowledgeable about the child's performance should supplement the test findings.

b. Outstanding critical thinking or problem-solving ability on a test is defined in the manner established by the test author based on the normative data available on the instrument. If the instrument manual reports percentiles as opposed to criterion scores, outstanding functioning is defined as the 96th percentile or above. Reports from observation of the child's performance should be used to supplement these scores.

c. Outstanding performance on an intelligence test is defined as 2.0 standard deviations above the mean. A measured intelligence quotient (full scale) may be depressed as a result of language, cultural or economic factors or handicapping conditions. If other than full scale I.Q. is considered, then documentation of one or more factors which demonstrates giftedness must be included.

d. Outstanding academic ability on a standardized test is defined as 95th percentile and above of the total battery score on an achievement test. These test results should be supplemented by other reports of the child's performance.

B.6.3.2 The Educational Appraisal and Review Committee must consider the following information prior to determining program selection:

a. The child's behavior such as quality and ease of verbalization, attention span and concentration skills, problem solving abilities, and the manner in which the child responds to frustrations.

b. Strengths, weaknesses, and interests as evidenced by tests and observations.

c. The regular curriculum options available to meet the child's special needs.

d. The special differentiated curriculum offering through special education.

B.6.4 Program Requirements

B.6.4.1 Goals for Planning Individualized Educational Programs:

a. The student will demonstrate movement toward realization of full potential, both for the benefit of society and personal satisfaction.

b. Through a wide variety of experiences, not regularly available in a school curriculum, the student will develop individual special interests and abilities.

c. The student will build upon and strengthen unique abilities.

d. The student will participate in content that is highly complex, abstract, and thus challenging to the intellectually gifted.

e. The development of higher levels of thinking and problem-solving skills will be demonstrated by the student.

f. The student will acquire skills of independent inquiry or investigation to answer the student's own questions.

g. The student will explore diverse careers.

B.6.4.2 Special Provisions:

a. Flexible administrative arrangements shall be made for instruction in- and out-of-school, such as: special seminars, independent study, student internships or mentorships, research centers, and correspondence courses. Other appropriate conditions which enrich the regular curriculum and that challenge and motivate the student toward the anticipated achievement level are also an integral part of the curriculum for a gifted child.

b. In developing or selecting any specific programs for the gifted, consideration shall be given to using some forms of enrichment, guidance, grouping, and acceleration (e.g., early admission, telescoping, grade skipping) planned on an individual basis.

c. Cooperative programs between local education agencies, between school sites, or between public schools and other agencies capable of providing for the unique needs of the gifted child should be considered.

CHAPTER SEVEN

B.7.0 Hearing Impaired

B.7.1 **Definition**

B.7.1.1 The hearing impaired child is one whose loss of auditory acuity delays, inhibits, or prohibits the development of speech and language and academic achievement.

a. Hard of Hearing — Includes those whose hearing level for speech is adequate to allow them to acquire speech and language by auditory means, although they may experience difficulty under certain circumstances in verbal communication with or without a hearing aid or other amplification equipment.

b. Deaf — Includes those whose hearing impairment is so severe that they do not learn primarily by the auditory channel even with a hearing aid and need extensive special instructions to develop communicative and language skills.

B.7.2 **Required Evaluation Data**

B.7.2.1 Pre-diagnostic data as defined in Standard B.2.5 must be collected prior to formal assessment.

B.7.2.2 Formal diagnosis and measurement by qualified personnel:

a. Audiometric assessment by a certified/licensed audiologist.

   (1) Puretone (required).

      (a) Air conduction.
      (b) Bone conduction.

   (2) Speech audiometry (required).

   (3) Hearing aid evaluation inclusive of gain with aid (required).

b. Otological examination and report inclusive of etiology and prognosis of the hearing disorder by a board-certified or board-eligible otolaryngologist or otologist (required).

c. Intelligence (one test required).

923

B.7.2.2 d. Achievement (one test required when the student has had previous schooling).

e. Language samples (required annually) by speech-language pathologist or endorsed teacher of the hearing impaired.

(1) Receptive, integrative, and expressive vocabulary/language.

(2) Understanding and expression of syntax.

B.7.2.3 Reevaluation Procedures:

In accordance with Standard B.2.13, the intelligence test may be excluded from the formal diagnostic process where original findings are within minus 1.0 standard deviation of the mean or above on the test instrument used.

B.7.3 Analyzing Data for Educational Needs

B.7.3.1 An auditory impairment is the qualifying factor for eligibility for this exceptionality. Severity levels are generally classified according to the decibel hearing level in the better ear.

a. Mild loss — 20-40 decibel hearing level in the speech range.

b. Moderate loss — 40-65 decibel hearing level.

c. Severe loss — 65-90 decibel hearing level.

d. Profound loss — 90+ decibel hearing level.

B.7.3.2 Program Selection — Program need is not determined by the degree of loss alone. The following factors must be considered:

a. Hearing assessment — The hearing level or degree of auditory sensitivity shall be considered with:

(1) Age of onset of hearing loss (before or after acquiring language).

(2) Auditory discrimination.

(3) Tolerance for loud sounds.

(4) Medical etiology (condition, treatment, and potential for change, i.e., progressive loss, corrective surgery).

924

B.7.3.2 b. Level of receptive and expressive language:

- (1) Developmental language (understanding and use of language patterns).
- (2) Written language skills.
- (3) Reading level.
- (4) Receptive and expressive speech.

c. Level of academic achievement and intelligence.

B.7.4 Program Requirements

B.7.4.1 Goals for Planning Individualized Educational Programs:

- a. The student will acquire basic academic skills through a sequentially planned instructional program.
- b. The student will demonstrate progress in an array of communicative and language competencies specific to the unique characteristics and needs of the child.
- c. The student will develop career and pre-vocational/vocational skills.
- d. The student will develop use of residual hearing.

B.7.4.2 Facilities:

Rooms shall have good acoustic properties and be well lighted.

B.7.4.3 Equipment and Materials:

- a. Amplification system with individual earphones that are adjustable to meet each student's individual auditory training needs must be provided.
- b. Overhead projectors, tape recorders, phonographs, slide and film projectors are to be readily available.
- c. Developmental language kits and programs are to be available at all levels.
- d. Academic and vocational materials are to be available at the junior and senior high levels.

CHAPTER EIGHT

B.8.0 Learning Disabled

B.8.1 Definition

B.8.1.1 A learning disabled child generally is one within the average or superior range of intelligence who exhibits one or more significant disorders in the essential learning processes which are manifested by reading, writing, spelling, or mathematical disabilities. These disorders are presumed to be due to central nervous system dysfunction. Even though a learning disability may occur with other exceptionalities or environmental influences (e.g., cultural differences, insufficient/inappropriate instruction), the learning disability is not the direct result of those exceptionalities or influences.

B.8.2 Required Evaluation Data

B.8.2.1 Pre-diagnostic data as defined in Standard B.2.5 must be collected prior to formal assessment.

B.8.2.2 Formal diagnosis and measurement by qualified personnel:

a. Intelligence (one test required).

b. Global Achievement (one test required).

c. Supplementary Achievement (specific diagnostic assessment required in each area of deficit as shown on the global achievement test).

d. Pupil Behavior Rating Scale (minimum of two informants required).

e. Formal Observation — an observation shall be performed by the educational diagnostician or another trained professional other than the student's teacher (required).

The observation is to provide a precise data-based description of academic patterns of concern. The general procedure is to collect data systematically from direct observation of the child in the regular classroom setting in which the academic behaviors of concern occur in comparison to other children in the same environment. The observation should result in:

B.8.2.2 e. (1) A clear description of the academic behavior patterns of concern;

(2) An indication of the intensity of the academic patterns of the child (e.g., attention span, pacing, learning style, learning strategies).

B.8.2.3 Reevaluation Procedures:

In accordance with Standard B.2.13, the intelligence test may be excluded from the formal diagnostic process if the original findings are within minus 1.0 standard deviation of the mean or above on the test instrument used.

B.8.3 Analyzing Data for Educational Needs

B.8.3.1 A review of the assessment data will generally indicate average or superior intelligence with a significant deficit in specific learning processes. Discrepancies may exist between verbal and performance scores with significant scatters of scores on subtests.

B.8.3.2 Eligibility for this classification must be based on specific learning disability criteria which indicate all of the following:

a. Exclusion of the following as primary handicaps or conditions:

(1) Mentally handicapped.

(2) Visually impaired.

(3) Deaf or hard of hearing.

(4) Behaviorally disordered.

(5) Communication disordered.

(6) Physically impaired.

(7) Lack of opportunity to learn.

(8) Cultural differences or lack of experience with the English language.

B.8.3.2 b. Significant deficiency/discrepancy calculation relative to expectancy.

(1) Definition: Expectancy is defined as standard scores (or intelligence quotients) obtained on an intelligence test. Where a significant difference is calculated between verbal and performance scores, the verbal, performance, or full scale score — whichever best represents the child's intelligence level, as documented — may be used. The .05 level of confidence is to be used in determining significant differences.

(2) Application for age/grade equivalent K-3 (not to exceed 9-0 years of age): Significant deficiency/discrepancy is defined as a negative difference of 19 or more standard score points between the standard score on the intelligence test and the standard score obtained on the academic test or equivalent (documented by the diagnostician in terms reported in the technical manual). Tests must be selected from the K-3 restricted approved test list for learning disabled.

(3) Application for age/grade equivalent 4-12 (above 9-0 years of age): Significant deficiency/discrepancy is defined as a negative difference of 23 or more standard score points between the standard score on the intelligence test and the standard score obtained on the academic test or equivalent (documented by the diagnostician in terms reported in the technical manual).

c. Evidence of significant academic deficiency relative to expectancy.

(1) Entry criterion. Based upon expectancy, a significant deficiency/discrepancy shall be calculated, as defined in 8.3.2(b), in one or more of the following academic areas as measured by standardized tests:

(a) Reading.
(b) Written expression.
(c) Mathematics
(d) Spelling.

928

B.8.3.2 c. (2) Exit criterion. Based on expectancy, a child achieving at a negative difference of 7 or less standard score points in the academic area(s) for which placement occurred shall have an exit plan from special education developed.

B.8.3.3 Program selection — Given the preceding factors, an appropriate intervention program is selected based on: severity of learning process deficits; general intelligence; actual achievement in comparison with student's expectancy; and, the percentage of the day that the student can succeed in the regular program. The intervention program shall include:

a. Statement of the problem and level of need.
b. General behavioral objectives for instructional needs and program plan, including specific exit criteria.
c. Ongoing evaluation design.

B.8.4 Program Requirements

B.8.4.1 Goals for Planning Individual Educational Programs:

a. The student will participate in planned integration into regular and vocational education and curriculum.

b. The individualized educational program is to focus on the student's academic deficits while taking into account the student's learning style. These two areas shall be dealt with concurrently while emphasizing the student's learning assets and strengths.

c. When the student has attended a program for the learning disabled without successful intervention, the instructional strategies are to be modified. Academic expectations may be replaced by functional and compensatory skill objectives.

B.8.4.2 Facilities:

a. The room shall have good acoustic properties, be well lighted, and have enclosed storage space.

b. Group and individual learning stations shall be provided.

B.8.4.3 Materials:

The instructional materials shall be responsive to the identified academic deficits while taking into account the process deficits.

CHAPTER NINE

B.9.0 Mentally Handicapped

B.9.1 Definition

B.9.1.1 The mentally handicapped child is one who exhibits significantly subaverage general intellectual functioning with deficits in adaptive behavior which are manifested during the developmental period. Intellectual development, adaptive behavior, and academic achievement are significantly below peer age group.

B.9.2 Required Evaluation Data

B.9.2.1 Pre-diagnostic data as defined in Standard B.2.5 must be completed prior to formal assessment. (If the child does not respond to screening, information may be obtained from developmental inventories.)

B.9.2.2 Formal diagnosis and measurement by qualified personnel:

a. Intelligence (one test appropriate to child's functional level is required).

b. Social/Adaptive/Developmental Scale (one required which is appropriate to child's functioning level and administered by an educational diagnostician or an individual trained by an educational diagnostician).

c. Achievement (one test required when individual intelligence score is above minus 3.5 standard deviations from the mean and the student has had previous schooling).

d. Medical report from physician:

- A physician's report is required for all children being considered for a D level program for this exceptionality. For children who have past histories of medical problems and whose specific syndromes are accompanied by medical conditions (e.g., Down's Syndrome children usually have respiratory and/or cardiac problems), physician's report is also required regardless of the program level being considered.

930

B.9.2.2 e. Motor Assessment (to be conducted by a licensed occupational therapist, or a physical therapist, when appropriate).

f. Language Assessment (to be conducted by a speech-language pathologist when appropriate).

B.9.2.3 Reevaluation Procedures:

In accordance with Standard B.2.13, the following procedures may be excluded from the formal diagnostic process:

a. Intelligence test where original findings are below minus 4.0 standard deviations from the mean on the test instrument used.

b. Diagnostician administered adaptive or developmental scales may be replaced with teacher administered scales where the teacher has used required instruments to continually measure the progress of children who scored below minus 3.5 standard deviations from the mean on an intelligence test.

B.9.3 Analyzing Data for Educational Needs

B.9.3.1 The assessment data shall be evaluated and weighed against the student's current behavior and performance (e.g., general intelligence test scores may indicate a mental handicap but the student may be able to function satisfactorily in the regular class setting). If the adaptive/social maturity skills fall within the normal range, the problem may be an educational handicap due primarily to language or cultural differences and not a mental handicap.

B.9.3.2 Educable mentally handicapped will be identified by:

a. Learning potential so different from normal peer group that considerable modification of the standard curriculum is required.

b. Measured intelligence quotient, as determined by individual standardized tests, at least 2.0 standard deviations below the mean of the particular standardized test.

B.9.3.2 c. Significant discrepancies (as described by the instrument authors) in adaptive behavior with relationships and social adjustment below chronological peers.

B.9.3.3 Trainable mentally handicapped will be identified by:

a. Learning potential so different from normal peer group that the standard curriculum of the regular classroom is not adaptable to the child's educational needs. A special individualized program emphasizing functional life and vocational skills is required.

b. Measured intelligence quotient, as determined by individual standardized tests, at least 3.5 standard deviations below the mean of the particular standardized test.

c. Markedly low capabilities in language, social, and self-help skills in comparison with his/her age peer group.

B.9.3.4 Severely/Profoundly handicapped will be identified by:

a. Level in functioning in a general developmental level of one-fourth or less of the level which would be expected on the basis of chronological age which manifests learning, motor and social behavioral problems of such magnitude that extensive structure in learning situations is required if developmental needs are to be met.

b. Measured intelligence quotient of at least 4.5 standard deviations below the mean of the particular standardized test.

c. Extremely limited capabilities in language, social, and self-help skills in comparison with his/her age peer group.

B.9.3.5 Program Selection — In selecting a program for the mentally handicapped student, the severity of the handicap (intelligence and adaptive behavior) and the percentage of the school day the child can function within the regular program shall be considered.

a. Program selection is to be made in terms of specific difficulties, communication skills, social and adaptive skills, and academic achievement.

B.9.3.5 b. The level of retardation shall be used as only one criterion in planning. The terms mild, moderate, and severe have been used to describe levels of retardation. Mild retardation is generally equivalent to the term "educable," moderate retardation includes those individuals who are likely to fall into the educational category of "trainable," and the severe group includes individuals who usually have more than one condition influencing their development (e.g., delayed motor functioning) and are more dependent.

B.9.4 Program Requirements

B.9.4.1 Goals for Planning Individualized Educational Programs:

a. The student will develop ability to integrate into the environment and to achieve maximum intellectual potential.
b. The student will develop competencies in health and safety habits and independence.
c. The student will develop acceptable social behavior.
d. The student will develop vocational skills and economic independence.
e. The student will develop proper use of leisure time.
f. The student will develop active citizenship and capability to assume civic responsibilities.
g. The student will increase communication skills.
h. The student will develop problem solving capabilities.
i. The student will increase motor and physical skills.
j. The student will increase functional academic and/or self-help skills.

B.9.4.2 Facilities:

a. The class location shall provide access to other less restrictive educational programs, services, and support areas.

b. The room shall have good acoustic properties, be well lighted, and have adequate chalkboards.

c. There shall be appropriate group and individual centers.

B.9.4.3 Materials and Equipment:

Provide special adaptive equipment when specified on student's Individualized Educational Program.

CHAPTER TEN

B.10.0 Multiply Impaired

B.10.1 Definition

B.10.1.1 The multiply impaired child is one who has a combination of two or more disabilities which produces such serious learning, developmental and/or behavioral problems that progress in a special program designed to accommodate a single major exceptionality is inhibited or severely limited.

B.10.1.2 The multiple impairment of deaf-blind is based upon auditory and visual impairments, the combination of which causes such severe communication, developmental, and educational problems that the child cannot properly be accommodated in programs solely for the hearing impaired or the visually impaired.

B.10.2 Required Evaluation Data

B.10.2.1 Pre-diagnostic data as defined in Standard B.2.5 must be collected prior to formal diagnosis. (If the child does not respond to screening, information may be obtained from developmental inventories.)

B.10.2.2 Formal diagnosis and measurement by qualified personnel:

Compliance with required data in accordance with the appropriate sections in these standards for each suspected exceptionality.

B.10.2.3 Reevaluation Procedures:

Exclusion from formal diagnostic procedures for the multiply impaired must be in accordance with Standard B.2.13, and appropriate subsections of these standards addressing the evaluation of each suspected exceptionality.

934

B.10.3 Analyzing Data for Educational Needs

B.10.3.1 Because of the complexities and combinations of exceptionalities, each program must be individually prescribed, and all appropriate expertise must be utilized. In program selection, it will be necessary to note if one handicap is secondary, or if the combination of impairments requires a unique program design.

B.10.3.2 Program Selection — The program required to serve a multiply impaired child shall be determined by the review of factors involved in each specific exceptionality. Factors to be considered are:

a. Severity of the handicaps.
b. Academic achievement and behavioral development.
c. Potential for success in a special program for a single exceptionality.
d. Health conditions.
e. The student's ability to integrate with other students.
f. Diagnostic recommendations.
g. Medical and ancillary evaluation data.

B.10.4 Program Requirements

B.10.4.1 Goals for Planning Individualized Education Programs:

a. The student will increase communication, self-help, social and vocational skills, and functional academic and economic independence in relation to potential.

b. The student will increase motor and physical skills.

B.10.4.2 Facilities:

Special provisions related to the particular handicapping conditions of the students being served shall be in accordance with the standards for each specific exceptionality.

B.10.4.3 Materials and Equipment:

Special materials and equipment shall be provided in accordance with the standards for each specific exceptionality.

CHAPTER ELEVEN

B.11.0 Physically Impaired

B.11.1 Definition

B.11.1.1 The physically impaired (health impaired) child is one whose bodily function is impaired due to congenital or acquired defects in physical structure and/or function, or one who has chronic illness which prevents regular class attendance.

a. Orthopedically impaired means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by a congenital or acquired anomaly (e.g. amputation, cerebral palsy, fractures or burns which cause contractures).

b. Other health impaired means limited strength, vitality, or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes.

B.11.2 Required Evaluation Data

B.11.2.1 Pre-diagnostic data as defined in Standard B.2.5 must be collected prior to formal assessment.

B.11.2.2 Formal diagnosis and measurement by qualified personnel:

a. Intelligence (one test required).*

b. Achievement (one test required).

c. Physical Examination (required).

All physically handicapping conditions shall be defined by medical diagnostic procedures with recommendations by a medical doctor inclusive of:

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*Note: Because of the nature of the impairment, test scores reflecting manipulative skills may be depressed; therefore, such tests shall be used with caution.

B.11.2.2 c. (1) Physical and/or health impairment.
(2) Etiology.
(3) Prognosis.
(4) Physical capabilities and limitations.
(5) Description of prosthetic devices and medications.

d. Motor Assessment (when appropriate) to be conducted by a licensed/certified physical therapist or occupational therapist.

e. Speech and Language Assessment (when appropriate) to be conducted by a speech-language pathologist.

B.11.2.3 Reevaluation Procedures:

In accordance with Standard B.2.13, the intelligence test may be excluded from the formal diagnostic process where original findings are within minus 1.0 standard deviation or above on the test instrument used.

B.11.3 Analyzing Data for Educational Needs

B.11.3.1 Every effort shall be made to place orthopedically/health impaired students, when no secondary handicapping conditions are evident, in the regular program. However, when there is a need for extensive modification in classroom equipment and when students must have regular ancillary services or require extensive special teaching techniques, special class placement may be required.

B.11.3.2 Program Selection — Factors to be considered in program selection are:

a. Severity and type of handicap (temporary, acute health, or physical condition).

b. Assistance with prostheses necessary to permit mobility.

c. Ability to function within existing programs with supportive or adaptive assistance.

B.11.4 Program Requirements

B.11.4.1 Goals for Planning Individualized Educational Programs:

The student will develop educational competencies through instructional and intervention strategies pertinent to each student's physical condition.

B.11.4.2 Facilities:

a. Special classroom shall have access to other program and support areas.

b. When conditions warrant, provisions must be made for self-help skill training (e.g., special bathroom facilities).

B.11.4.3 Materials/Equipment/Supplies:

a. Special adaptive instructional equipment and materials, as specified in the student's Individualized Educational Program, shall be provided.

b. Posture and positioning equipment should be prescribed and checked periodically by qualified personnel.

CHAPTER TWELVE

B.12.0 Visually Impaired

B.12.1 Definition

B.12.1.1 Visually impaired children are those who because of the type and degree of visual impairment, after best possible correction, are unable to perform satisfactorily in the regular classroom without significant modifications in curriculum and instructional materials, equipment, and methods.

B.12.2 Required Evaluation Data

B.12.2.1 Pre-diagnostic data as defined in section must be collected prior to formal assessment.

B.12.2.2 Formal diagnosis and measurement by qualified personnel:

a. Eye examination and report with recommendations by a state licensed eye specialist inclusive of but not limited to:

   (1) Visual acuity, refractive errors, binocular function.
   (2) Visual field (if need determined by examiner).
   (3) Prescribed correction where indicated.
   (4) Etiology (if established).
   (5) Prognosis (if known).
   (6) Low vision aids evaluation (when appropriate).

b. Intelligence (one test required)

c. Achievement (one test required)

d. Additional diagnostic and supportive tests when appropriate.

B.12.2.3 Reevaluation Procedures:

In accordance with Standard B.2.13, the intelligence test may be excluded from the formal diagnostic process where original findings are within minus 1.0 standard deviation of the mean or above on the test instrument used.

939

B.12.3 Analyzing Data for Educational Needs

B.12.3.1 Eligibility: Any child with a documented ocular anomaly who, after best possible correction, is unable to learn with ordinary materials in a regular classroom shall be considered for type and amount of special services needed.

B.12.3.2 Differentiation from other types of learners:

a. Children with visual perceptual problems, in the absence of diagnosed ocular anomalies, may be evaluated for possible learning disability.

b. Children with severe mental retardation, absence of demonstrable ocular anomalies, yet with little or no apparent functional vision, may be described as "cortically blind." Such children may be classified as multiply impaired, or, as severely- profoundly mentally handicapped, with visual insufficiency treated as a secondary exceptionality.

B.12.3.3 Program Selection:

Information on the nature and extent of a visual disability does not, itself, constitute a sufficient basis for justifying special education services. When special education services are indicated, there is not necessarily a direct relationship between magnitude of the disability and amount or kind of special attention required. The following information must be taken into account in the selection of the program type and development of an individual educational program.

a. Level of development and maturation.
b. General functional visual ability.
c. Academic achievement.
d. Social skills.
e. Medical prognosis.

B.12.4 Program Requirements

B.12.4.1 Goals for Planning Individualized Educational Programs:

a. The student will develop compensatory skills involving, but not limited to, use of appropriate aids and appliances (e.g., large print materials, telesensory devices, recorded materials, and developmental braille skills).

B.12.4.1 b. The student will develop competence in orientation/mobility, recreation and leisure activities, and social integration.

c. The student will develop optimal use of residual vision.

d. The student will develop generic and compensatory skills in the academic, career, and vocational areas.

B.12.4.2 Facilities:

The room shall provide for correctly diffused, directed, and controlled illumination (e.g., window blinds or curtains, artificial lighting) for each individual student to perform without eye discomfort.

B.12.4.3 Equipment and Materials:

a. Braille, large print books, and special equipment must be available where prescribed within the student's individualized educational program.

b. Tape recorders and reading devices must be available where prescribed within the student's individualized educational program.

28. New York

The University of the State of New York

THE STATE EDUCATION DEPARTMENT

Office for Education of Children with Handicapping Conditions

Albany, New York 12234

REGULATIONS OF THE COMMISSIONER OF EDUCATION
SUBCHAPTER P

Pursuant to Sections 207 and 4403 of the Education Law

PART 200 — HANDICAPPED CHILDREN
Effective July 1, 1984

200.1 Definitions. As used in this Part:

(a) Adaptive behavior means the effectiveness with which the individual copes with the natural and social demands of his environment.

(b) Adaptive physical education means a specially designed program of developmental activities, games, sports and rhythms suited to the interests, capacities and limitations of pupils with handicapping conditions who may not safely or successfully engage in unrestricted participation in the activities of the regular physical education program.

(c) Annual review means an evaluation, conducted at least annually by the committee on the handicapped, of the status of each pupil with a handicapping condition and each pupil thought to be handicapped who resides within the school district for the purpose of recommending the continuation, modification or termination of the provision of special education programs and services for the pupil to the board of education.

(d) Approved private school means a private school which conforms with the requirements of Federal and State laws and regulations governing the education of pupils with handicapping conditions, and which has been approved by the commissioner for the purpose of contracting with public schools for the instruction of pupils with handicapping conditions.

(e) Change in program means a change in any one of the components of phase one of the individualized education program (IEP) of a pupil as described in subparagraphs (iv) through (vii) of paragraph (2) of subdivision (c) of section 200.4 of this Part.

(f) Change in placement means a transfer of a pupil to or from a public school, board of cooperative educational services, schools enumerated in article 81, 85, 87, 88 or 89 of the Education Law, chapter 566 of the Laws of 1967, or an approved private school.

(g) Class size means the maximum number of pupils who can receive instruction together in a special class or resource room program.

(h) Committee on the handicapped (COH) means a multidisciplinary team established in accordance with the provisions of section 4402 of the Education Law.

(i) Consent means:
  (1) the parent has been fully informed, in his or her dominant language or other mode of communication, of all information relevant to the activity for which consent is sought and has been notified of the records of the pupil which will be released and to whom they will be released;
  (2) the parent agrees in writing to the activity for which consent is sought; and
  (3) the parent is made aware that the consent is voluntary on the part of the parent and may be reconsidered at any time.

(j) Days means school work days, except that during the months of July and August days mean every day except Saturday, Sunday and legal holidays.

(k) Fiscal year means the period commencing on the first day of July in each year and ending on the thirtieth day of June next following.

(l) Full-day session means a school day with not less than five hours of instruction time for pupils whose chronological ages are equivalent to those of pupils in grades K through 6, and not less than 5½ hours of instruction time for pupils whose chronological ages are equivalent to those of pupils in grades 7 through 12.

(m) Half-day session means a morning or afternoon session with not less than 2½ hours of instruction time for pupils whose chronological ages are equivalent to those of pupils in grades K through 6 and not less than three hours of instruction time for pupils whose chronological ages are equivalent to those of pupils in grades 7 through 12.

(n) Home and hospital instruction means special education provided on an individual basis for a handicapped pupil confined to the home, hospital or other institution because of a handicapping condition.

(o) Impartial hearing officer means an individual assigned by a board of education pursuant to Education Law section 4404 (1), or by the commissioner in accordance with section 200.7(d)(2) of this Part, to hear an appeal and render a decision. An impartial hearing officer shall be independent, shall not be an officer, employee or agent of the school district or of the board of cooperative educational services of which such school district is a component, or an employee of the Education Department, shall not have a personal or professional interest which would conflict with his or her objectivity in the hearing and shall not have participated in any manner in the formulation of the recommendation sought to be reviewed.

(p) Individualized education program (IEP) means a written plan which specifies the special education programs and services to be provided to meet the unique educational needs of a pupil with a handicapping condition.

(q) Independent evaluation means an individual evaluation of a pupil thought to be handicapped, conducted by a person who is not employed by the public agency responsible for the education of the pupil.

(r) Individual evaluation means any procedures, tests or assessments used selectively with an individual child, including a physical examination in accordance with the provisions of section 904 of the Education Law, an individual psychological evaluation, social history and other suitable examinations and evaluations as may be necessary to determine whether a child is handicapped and the extent of his special education needs, but does not include basic tests administered to, or procedures used with, all pupils in a school grade or class.

(s) Individual psychological evaluation means a comprehensive process by which a New York State-certified school psychologist or licensed psychologist uses a variety of psychological and educational techniques and examinations in the pupil's dominant language, to study and describe a pupil's developmental, learning, behavioral and other personality characteristics for the purpose of educational planning.

(t) Least restrictive environment means that placement of an individual handicapped pupil which:
  (1) provides the special education needed by the pupil;
  (2) provides for education of the pupil to the maximum extent appropriate with other pupils who are not handicapped; and
  (3) is determined following consideration of the proximity of the placement to the pupil's place of residence.

(u) Medical services means only evaluative and diagnostic services provided by a licensed physician to determine whether a child has a medically related handicapping condition which may result in the child's need for special education and related services.

(v) Notice means written statements in English and translated, when appropriate, into the dominant language or mode of communication of the parent's home which:
  (1) describe the action proposed to be taken by the school district or the committee on the handicapped on behalf of a child thought to be handicapped;
  (2) describe any other options considered and explain why the proposed action was selected; and
  (3) describe each evaluation, procedure, test, record or report, and any other factors upon which the proposed action was based.

(w) Occupational therapy means the functional evaluation of the client and the planning and utilization of a program of purposeful activities to develop or maintain adaptive skills, designed to achieve maximal physical and mental functioning of the patient in his daily life tasks.

(x) Paraprofessional means a teacher aide or a teacher assistant as described in section 80.33 of this Chapter.

(y) Parent means a parent, a guardian, a person acting as a parent of a child, or a surrogate parent who has been appointed in accordance with subdivisions (c) or (d) of section 200.5 of this Part. The term does not include the State if the child is a ward of the State.

(z) Period means a minimum of 30 minutes of direct services provided to a pupil with a handicapping condition as recommended by the committee on the handicapped and included in the individualized education program (IEP).

(aa) Preschool program means a special education program for pupils with handicapping conditions who are not eligible to attend public schools pursuant to Education Law section 3202.

(bb) Physical therapy means a related service provided in accordance with section 6731(a) of the Education Law.

(cc) Pupil with a handicapping condition means a person who has not attained the age of 21 prior to September first and who is entitled to attend public schools pursuant to section 3202 of the Education Law and who, because of mental, physical or emotional reasons, has been identified as having a handicapping condition and can receive appropriate educational opportunities from special services and programs approved by the department. This term includes the following classifications:

(1) Autistic. A pupil who manifests a behaviorally defined syndrome which occurs in children of all levels of intelligence. The essential features are typically manifested prior to 30 months of age and include severe disturbances of developmental rates and/or sequences of responses to sensory stimuli, of speech, of language, of cognitive capacities, and of the ability to relate to people, events, and objects.

(2) Emotionally disturbed. A pupil with an inability to learn which cannot be explained by intellectual, sensory or health factors and who exhibits one or more of the following characteristics over a long period of time and to a marked degree:

  (i) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
  (ii) inappropriate types of behavior or feelings under normal circumstances;
  (iii) a generally pervasive mood of unhappiness or depression; or
  (iv) a tendency to develop physical symptoms or fears associated with personal or school problems.

The term does not include socially maladjusted pupils unless it is determined that they are emotionally disturbed.

(3) Learning disabled. A pupil with a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, neurological impairment, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural or economic disadvantage. A child who exhibits a discrepancy of 50 percent or more between expected achievement and actual achievement determined on an individual basis shall be deemed to have a learning disability.

(4) Mentally retarded. A pupil who, concurrent with deficits in adaptive behavior, consistently demonstrates general intellectual functioning that is determined to be 1.5 standard deviations or more below the mean of the general population on the basis of a comprehensive evaluation which includes an individual psychological evaluation.

(5) Deaf. A pupil with a hearing impairment which is so severe that the pupil is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

(6) Hard of hearing. A pupil with a hearing impairment, whether permanent or fluctuating, which adversely affects the child's educational performance but which is not included under the definition of deaf in this section.

(7) Speech-impaired. A pupil with a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's educational performance.

(8) Visually impaired. A pupil with a visual handicap which, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children.

(9) Orthopedically impaired. A pupil who is physically handicapped and who has a severe orthopedic impairment, which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputation, and fractures or burns which cause contractures).

(10) Other health-impaired. A pupil who is physically handicapped and who has limited strength, vitality or alertness due to chronic or acute health problems, including but not limited to a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes or tourette syndrome, which adversely affects a pupil's educational performance.

(11) Multiply handicapped. A pupil with two or more handicapping conditions that result in multisensory or motor deficiencies and developmental lags in the cognitive, affective, or psychomotor areas, the combination of which cause educational problems that cannot be accommodated in a special education program solely for one of the impairments.

(dd) Related services pursuant to section 4401 of the Education Law means speech pathology, audiology, psychological services, physical therapy, occupational therapy, counseling services, other appropriate support services including those listed in section 4002 (2)(g) of the Education Law, and medical services as defined in this section.

(ee) Resource room program means a special education program for a handicapped pupil registered in either a special class or regular class who is in need of specialized supplementary instruction in an individual or small group setting for a portion of the school day.

(ff) Social history means a report of information gathered and prepared by qualified school district personnel pertaining to the interpersonal, familial, and environmental variables which influence a pupil's general adaptation to school, including but not limited to data on family composition, family history, developmental history of the pupil, health of the pupil, family interaction and school adjustment of the pupil.

(gg) Special class means a class consisting of pupils with the same handicapping conditions or with differing handicapping conditions who have been grouped together because of similar educational needs for the purpose of being provided a special education program.

(hh) Special education means specially designed individualized or group instruction or special services or programs as defined in subdivision 2 of section 4401 of the Education Law provided at no cost to the parent, to meet the individual needs of pupils with handicapping conditions. For purposes of this definition:

(1) The individual needs of a pupil shall be determined by a committee on the handicapped in accordance with the provisions of section 200.4 of this Part upon consideration of the present levels of performance and expected learning outcomes of the pupil. Such individual need determinations shall provide the basis for written annual goals, direction for the provision of appropriate educational programs and services and development of an individualized education program for the pupil. The areas to be considered shall include:

   (i) Academic or educational achievement and learning characteristics which shall mean the levels of knowledge and development in subject and skill areas, including activities of daily living, level of intellectual functioning, adaptive behavior, expected rate of progress in acquiring skills and information, and learning style;

   (ii) Social development which shall mean the degree and quality of the pupil's relationships with peers and adults, feelings about self, and social adjustment to school and community environments;

   (iii) Physical development which shall mean the degree or quality of the pupil's motor and sensory development, health, vitality, and physical skills or limitations which pertain to the learning process; and

   (iv) Management needs which shall mean the nature of and degree to which environmental modifications and human or material resources are required to enable the pupil to benefit from instruction. Management needs shall be determined in accordance with the factors identified in each of the three areas described in subparagraphs (i) through (iii) of this paragraph.

(2) Group instruction means instruction of pupils grouped together according to similarity of individual needs for the purpose of special education. The curriculum and instruction provided to such groups shall be consistent with the individual needs of each pupil in the group, and the instruction required to meet the individual needs of any one pupil in the group shall not consistently detract from the instruction provided other pupils in the group.

(ii) Special education teacher means a person, including an itinerant teacher, certified or licensed to teach pupils with handicapping conditions.

(jj) Summer program means an instructional program provided during July and August.

(kk) Surrogate parent means a person appointed to act in place of parents or guardians when a child's parents or guardians are not known, are unavailable, or the child is a ward of the State.

(ll) Transitional support services means those temporary services specified in a pupil's individualized education program (IEP), provided to a regular or special education teacher to aid in the provision of appropriate services to a pupil with a handicapping condition transferring to a regular program or to a program or service in a less restrictive environment.

948

200.13 Educational programs for autistic pupils.

(a) The functioning levels of autistic pupils, based upon the criteria set forth in section 200.6(f)(2) of this Part, shall govern their individual or small group instruction.

  (1) The continuum of special education programs and services as described in section 200.6 of this Part shall be available to autistic pupils as needed.

  (2) The chronological age range of instructional groups serving autistic pupils shall not exceed 36 months for pupils under age 16 and shall not be limited for pupils 16 years of age or older.

  (3) The class size for such pupils shall be determined in accordance with subdivisions (e) and (f) of section 200.6 of this Part, provided that the class size of special classrooms composed entirely of autistic pupils shall be in accordance with section 200.6(f)(4)(ii) of this Part.

  (4) Instructional services shall be provided to meet the individual language needs of an autistic pupil for a minimum of 30 minutes daily in groups not to exceed two, or 60 minutes daily in groups not to exceed six.

  (5) To the maximum extent appropriate, instructional provisions shall be instituted for eventual inclusion of autistic pupils into resource room programs for pupils with combined handicapping conditions or placement in a regular classroom.

  (6) In those instances where a pupil has been placed in programs containing pupils with other handicapping conditions, or in a regular class placement, a special education teacher with a background in teaching autistic pupils shall provide transitional support services in order to assure that the pupil's special educational needs are being met.

(b) The length of the school day for autistic pupils shall be that set forth in section 175.5 of this Chapter.

(c) All school districts are required to furnish appropriate educational programs for autistic pupils from the date they become eligible for a free appropriate public education until they obtain a high school diploma, or until the end of the school year in which they attain their 21st birthday, whichever occurs first.

(d) Provision shall be made for parent counseling and education for the purpose of enabling parents to perform appropriate follow-up intervention activities at home.

(e) Upon application and justification to the commissioner, approval may be granted for variance from special class sizes and the chronological age ranges specified in subdivision (a) of this section.

200.14 Educational programs. This section shall apply only if a school district has elected on or before May 1, 1983 to operate its educational program during the 1983-84 school year pursuant to the provisions hereof in lieu of the provisions of section 200.6 of this Part and only until such time as it elects to operate such program in accordance with section 200.6 of this Part, provided that as of July 1, 1986, all school districts shall operate their programs pursuant to the provisions of section 200.6 of this Part.

(a) Special classes (general).

(1) The formation of special classes, including grouping and numbers, shall depend upon the severity of the pupils' handicaps, capabilities and educational, social or emotional needs.

(2) Unless the pupil's handicapping condition requires special classes, the pupil shall be educated in regular classes with appropriate supportive supplementary assistance.

(3) Where special class placement is required, the pupil with a handicapping condition shall participate in the programs of, and utilize the facilities of, the public schools in which those classes are located to the maximum extent beneficial for the pupil's particular needs.

(4) To the extent appropriate, all pupils with handicapping conditions shall be provided with maximum opportunities for association with the nonhandicapped community through shared instruction and the use of specialized public school facilities and programs.

(5) Evaluations shall be conducted as frequently as the committee on the handicapped shall direct, provided that each pupil's educational program shall be evaluated annually.

(6) All teachers in special class programs shall be certified in the appropriate area(s) of special education.

(b) Special classes (specific).

(1) Special classes for pupils handicapped because of severe physical reasons. School districts may organize special classes for pupils who are blind, deaf, orthopedically handicapped or neurologically impaired, in accordance with the following criteria:

(i) The chronological age range of the pupils served shall not exceed three years.

(ii) The special class register at the elementary level shall not exceed 10 pupils, and at the secondary level shall not exceed 15 pupils.

(2) Special classes for pupils handicapped because of severe emotional reasons.

(i) The chronological age range of the pupils served shall not exceed three years.

(ii) Each special class register shall not exceed 10 pupils at either elementary or secondary levels.

(3) Special classes for the mentally retarded.

(i) Special classes for the educable mentally retarded.

(a) The chronological age range of pupils in special class shall not exceed three years.

(b) The total register in a special class at the elementary level shall not exceed 15; at the secondary level it shall not exceed 18.

(ii) Special classes for trainable mentally retarded.

(a) The chronological age range of pupils served in each such special class shall not exceed four years.

(b) The total register in a special class for pupils through the chronological age of 12 shall not exceed 10 pupils; for pupils over the chronological age of 12, it shall not exceed 12 pupils.

(4) Special classes for pupils handicapped for autistic reasons.

(i) All school districts are required to furnish appropriate educational programs for autistic pupils from their fifth birthday until the end of the school year during which they attain their 21st birthday.

(ii) The length of the school day shall be identical to that required by section 175.5 of this Chapter.

(iii) The chronological age range of pupils served in such special class shall not exceed four years.

(iv) Each special class register shall not exceed five pupils.

(v) At least one paraprofessional shall be assigned to each special class.

(vi) Minimal instructional services shall be provided to meet the individual language needs of an autistic pupil as set forth in subparagraph (d)(3)(i) of this section.

(vii) The functioning level of autistic pupils shall govern their individual or small group instruction in order to provide the social and language skills necessary for their advancement into a larger group setting. For those pupils with improved social and language skills, instructional provisions shall be instituted for eventual inclusion into resource room programs for pupils with combined handicapping conditions or placement in a regular classroom.

(viii) In those instances where it has been determined that a larger group setting, such as a resource room program or a regular class placement, is appropriate, at least one paraprofessional shall be assigned to each such special class for every three pupils enrolled in the class.

(ix) In those instances where a pupil has been placed in programs containing pupils with other handicapping conditions, or in a regular class placement, a special education teacher with a background in teaching autistic pupils shall regularly visit and assist the pupil in making an adjustment, and assure that the pupil's special educational needs are being met by working with the pupil's teacher and the pupil and by being available for daily consultation.

(x) Provision shall be made for parent counseling and education enabling parents to perform appropriate follow-up intervention activities at home.

(5) Special classes for the learning disabled.

(i) The chronological age range of the pupils served shall not exceed three years.

(ii) Each special class register at the elementary level shall not exceed 10 pupils and at the secondary level shall not exceed 12 pupils.

(6) Special classes for pupils handicapped because of multiple reasons. Special classes in this category include classes for pupils whose combination of handicaps is such that the programs of the special classes in paragraphs (1)-(5) of this subdivision are not adequate for the special education needs and services necessary for these pupils.

(i) The register of pupils in such class shall be based on the needs of the pupils as well as their chronological ages.

(ii) Pupils who are enrolled in special classes because of the multiplicity of their handicapping conditions will be provided with the services of certified specialists in two or more areas of special education.

(iii) The special class register for those multiply handicapped pupils who are severely to profoundly handicapped shall not exceed 12 pupils. One paraprofessional shall be assigned to such class for every three pupils enrolled in the class.

(iv) Autistic pupils enrolled in special classes for pupils handicapped because of multiple reasons shall be provided instructional services to meet their language needs as minimally specified in subparagraph (d)(3)(i) of this section.

(7) Upon application and justification to the commissioner, approval may be granted for variance from the chronological age ranges and special class enrollments specified in paragraphs (1) through (6) of this subdivision.

(c) Resource room programs (general). The formation of resource room programs as instructional service options shall depend upon the nature of the pupil's capabilities and individual needs.

(1) The total enrollment in a resource room program serving pupils with different handicapping conditions shall not exceed 20.

(2) Each handicapped pupil in a resource room program shall receive at least one hour of individual or small group instruction, five days a week. A small group shall not exceed five handicapped pupils. Pupils shall spend not more than 50 percent of their time during the day in the resource room program.

(3) The teacher shall be certified in the appropriate areas of special education related to the pupil's handicapping condition(s).

(d) Resource room programs (specific).

(1) Resource room programs for educable mentally retarded, emotionally disturbed, learning disabled, and physically handicapped.

(i) The maximum teacher load for resource room programs for pupils with one handicapping condition shall be limited to 20 emotionally disturbed, 20 neurologically impaired, 20 learning disabled, 20 educable mentally retarded, or 20 orthopedically handicapped pupils. Appropriate total teacher case load for other medical conditions shall be determined on the basis of individual review of specific medical conditions establishing eligibility, appropriate service and handicapped pupil need; however, the total teacher case load shall not exceed 20 pupils.

(2) Resource room programs for visually impaired and partially sighted. Visually impaired pupils, who are either legally blind or partially sighted, shall be provided with special instructional services as needed, based upon the individual education program for such pupils.

(i) Totally blind elementary grade pupils requiring braille instruction shall be provided with individual or small group instruction not to exceed three totally blind pupils for not less than five hours each week.

(ii) Totally blind secondary grade braille-instructed pupils and legally blind elementary and secondary grade pupils requiring print media instruction shall be provided with individual or small group instructional services not to exceed four legally blind pupils for not less than three hours each week.

(iii) Partially sighted pupils shall be provided with individual or small group instructional services not to exceed five partially sighted pupils for not less than two hours each week.

(3) Resource room program for severely speech-impaired.

(i) The total teaching load for teachers in a resource room program for severely speech-impaired shall be a maximum of 20 pupils.

(a) Service to individuals or groups not to exceed two shall be provided for 30 minutes each day, five days per week.

(b) Groups of five shall be provided service for 60 minutes each, five days per week.

(c) When severely speech-impaired pupils are provided speech service by teachers also serving other speech-impaired pupils, the total case load for such teacher shall not exceed 75 pupils.

(ii) Other-speech impaired. When pupils identified as other speech-impaired are served as a result of an indicated need, based upon the individualized education program, instruction shall be on at least a twice-a-week basis.

(4) Resource room programs for hearing-impaired. Hearing-impaired pupils shall be provided daily instructional programs.

(i) Individual service shall be provided for hard of hearing pupils for a minimum of 30 minutes a day, five days per week.

(ii) Individual service shall be provided to deaf pupils for a minimum of one hour, five days per week.

(5) Resource room programs with combined handicapping conditions. Pupils with different handicapping conditions, i.e., educable mentally retarded and neurologically impaired, combined for service shall be provided instruction within a total caseload not to exceed 20 pupils. School districts having fewer than 20 handicapped pupils with handicapping conditions may have the resource room program teacher provide service to pupils who are not handicapped, provided that the handicapped and nonhandicapped pupils shall receive instruction at different times. Pupils with handicapping conditions shall receive instruction in groups not exceeding five, for a minimum of one hour per day, five days per week.

(e) Home and hospital instruction.

(1) The qualification of teachers providing home and hospital instruction shall be as follows:

(i) For instruction at the elementary level, at least common branch certification, or special education certification, where appropriate, under the regulations of the commissioner.

(ii) For instruction at the secondary level, a minimum of certification in the subject area being taught, or, where appropriate, in special education.

(2) A pupil is eligible for home instruction if he is handicapped as defined in section 4401 of the Education Law, and is unable to attend school.

(3) The schedules for home instruction shall be subject to the individual needs of the pupil and, except for such individual considerations, shall meet the following requirements:

- (i) Instruction at the elementary level shall be for a minimum of five hours per week, preferably one hour per day.
- (ii) Instruction at the secondary level shall be for a minimum of 10 hours per week, preferably two hours per day.
- (iii) Upon application and justification, approval may be granted for variance.
- (iv) The school district shall maintain such records and periodic evaluations as are necessary to provide adequate assessment and appraisal of the progress made during the period of home instruction and readiness to return to a classroom program.

29. North Carolina

North Carolina

RULES
Governing Programs & Services for Children with Special Needs

DIVISION FOR EXCEPTIONAL CHILDREN / STATE DEPARTMENT OF PUBLIC INSTRUCTION
RALEIGH, NORTH CAROLINA 27611

September 30, 1980

RULES GOVERNING PROGRAMS AND SERVICES
FOR CHILDREN WITH SPECIAL NEEDS

Division for Exceptional Children
State Department of Public Instruction
Raleigh, North Carolina

Effective Date: September 30, 1980

SECTION .1500 - RULES GOVERNING PROGRAMS AND SERVICES FOR CHILDREN WITH SPECIAL NEEDS

.1501 DEFINITIONS

(a) Children with Special Needs. The term "children with special needs" includes, without limitation, all children who because of permanent or temporary mental, physical or emotional handicaps need special education, are unable to have all their educational needs met in a regular class without special education or related services, or are unable to be adequately educated in the public schools. It includes those who are autistic, gifted and talented, hearing impaired, mentally handicapped, multihandicapped, orthopedically impaired, other health impaired, pregnant, seriously emotionally handicapped, specific learning disabled, speech and/or language impaired and visually impaired.

The terms used in this definition are defined as follows:

(1) Autistic. Autism refers to a severe and chronic developmental disorder that affects communications and behavior. The essential features include disturbances of (a) developmental rates and/or sequences, (b) responses to sensory stimula, (c) speech, language and cognitive capacities, and (d) capacities to relate to people, events and objects. Associated features include stereotyped motor patterns and erratic expression of emotions. Most children classified as autistic function at a mentally handicapped level of intellectual development.

(2) Gifted and Talented. Gifted and talented students are defined as those students who:

(A) possess demonstrated or potential intellectual, creative or specific academic abilities and

(b) need differentiated educational services beyond those being provided by the regular school program in order to realize these potentialities for self and society. A student may possess singularly or in combination these characteristics: general intellectual ability; specific academic aptitude; creative or productive thinking abilities.

(3) Hearing Impaired. Hearing impaired children are those with hearing losses which are handicapping educationally and developmentally. The term "hearing impaired" is a generic term that includes both hard of hearing and deaf children. Hard of hearing children are those whose hearing is defective but still functional, with or without a hearing aid, for the ordinary purposes of life. Deaf children are those whose hearing is not functional for the ordinary purposes of life.

(4) Mentally Handicapped. Mentally handicapped refers to significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period. The adaptive behavior refers primarily to the effectiveness of the individual in adapting to the natural and social demands of his/her environment. It has two major facets:

(A) the degree to which the individual is able to function independently, and

  (B) the degree to which he/she meets satisfactorily the culturally imposed demands of personal and social responsibility.

(5) Multihandicapped. Multihandicapped students are students who have a combination of two or more handicaps (such as mentally handicapped-emotionally handicapped, mentally handicapped-blind, deaf-blind, etc.), the combination of which causes such developmental and education problems that the children cannot be properly accommodated in special programs that primarily serve one area of handicapping condition. Children who are severely multihandicapped have serious primary disabilities that are cognitive and/or behavioral and require significantly more resources than are provided for less handicapped children.

(6) Orthopedically Impaired. An orthopedically impaired child possesses a severe orthopedic impairment which adversely affects his/her educational performance. The term includes impairments caused by congenital anomalies and impairments from other causes.

(7) Other Health Impaired. Other health impaired refers to chronic or acute health problems such as heart conditions, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, genetic impairments or some other illness which may cause a student to have limited strength, vitality or alertness to such an extent that special educational services are necessary.

(8) Pregnant School Girls. Pregnant students with special educational needs are those who because of their pregnancy, require special education and/or related services other than that which can be provided through regular education services.

(9) Seriously Emotionally Handicapped. A serious emotional handicap in children is defined as behavior that is developmentally inappropriate or inadequate in educational settings as indicated by one or more of the following characteristics:

  (A) an inability to learn that cannot be explained by intellectual, sensory, neurophysical or general health factors;
  (B) an inability to build or maintain satisfactory interpersonal relationships with peers or teachers;
  (C) inappropriate in immature types of behavior or feelings under normal conditions;
  (D) a general pervasive mood of unhappiness or depression;
  (E) a tendency to develop physical symptoms, pains or fears associated with personal or school problems.

The behavior must be of sufficient duration, frequency and intensity to call attention to the need for intervention on behalf of the child to insure his/her educational success. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally handicapped.

(10) Specific Learning Disabilities. A pupil who has a specific learning disability is one who has a severe discrepancy between ability and achievement and has been determined by a multidisciplinary team not to be achieving commensurate with his/her age and ability levels in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skill, spelling, reading comprehension, mathematical calculation, or mathematical reasoning. The term does not include pupils whose severe discrepancy between ability and achievement is primarily the result of: a visual, hearing, or motor handicap; mental retardation; emotional disturbance; or environmental, or economic disadvantage.

(11) Speech and Language Impaired. Children who are speech and/or language impaired are those who evidence:

(A) defective production of phonemes (speech sounds) that interfere with readily intelligible speech;

(B) abnormality in pitch, loudness or quality resulting from pathological conditions or inappropriate use of the vocal mechanism that interferes with communication or produces maladjustment;

(C) disruptions in the normal flow of verbal expression that occur frequently, or are markedly noticeable and are not readily controllable by the pupil;

(D) disability in verbal learning (language disorders) resulting in a markedly impaired ability to acquire, use or comprehend spoken or written language where no significant degree of sensory or motor incapacity, mental retardation, emotional handicap or environmental disadvantage is present as the primary disabling condition; and

(E) delayed language acquisition resulting from sensory or motor incapacity, mental retardation, emotional handicap or environmental disadvantage.

(12) Visually Impaired

(A) Functionally blind children are those who have so little remaining vision that they must use Braille as their reading medium.

(B) Partially seeing children are those who have a loss of vision, but are able to use regular or large type as their reading medium. These will generally be children who have a visual acuity between 20/70 and 20/200 in the better eye after correction.

(C) Children who are legally blind are those who have a visual acuity of 20/200 or less in the better eye after correction or a peripheral field so contracted that the widest diameter subtends an arc no greater than 20 degrees.

(f) Continuum of Communication Programs. Speech, language and hearing services may appear at any level of the continuum and offer program or service alternatives. A continuum of program and services model for children with speech, language and hearing impairments includes a communication development program, a communication deviations program, and a communication disorders program.

History Note: Statutory Authority G.S. 115-367;
Eff. July 15, 1979

.1516 MAXIMUM CLASS SIZE: PUPIL-TEACHER RATIO

The following class sizes shall not be exceeded in programs for children with special needs after September 1, 1979. Deviations may be made only with the prior approval of the State Board of Education upon request by a local education agency through the State Superintendent. Local educational agencies are encouraged to lower the maximum class sizes, if needed, to meet the needs of their particular students.

(1) Autistic. Full-time special class--self-contained:
  (a) up to 6 pupils--1 teacher, 1 aide;
  (b) up to 9 pupils--1 teacher, 2 aides.

(2) Gifted and Talented.
  (a) regular class and supportive services--resource, enrichment, diagnostic prescriptive, teacher: Up to 15 pupils per class period; up to 75 per day, or maximum of 175 pupils per week--1 teacher;
  (b) part-time special class--departmentalized-block: Up to 25 pupils per class period or up to 100 per day--1 teacher;
  (c) full-time special class--self-contained: Up to 26 pupils--1 teacher.

(3) Hearing Impaired.
  (a) regular class and supportive services--resource, enrichment, diagnostic prescriptive, consultant: Up to 20 pupils per week--1 teacher;
  (b) part-time special class--departmentalized-block: Up to 10 per half day block--1 teacher; up to 20 pupils per day--1 teacher;
  (c) full-time special class--self-contained
    (i) preschool/primary--up to 7 pupils--1 teacher, 1 aide;
    (ii) elementary--up to 7 pupils--1 teacher, 1 aide;
    (iii) secondary--up to 9 pupils--1 teacher, 1 aide;
    (iv) severely handicapped--up to 4 pupils--1 teacher, 1 aide in residential programs.

(4) Educable Mentally Handicapped
  (a) regular class and supportive services--resource, enrichment, diagnostic prescriptive, consultant: Up to 35 pupils per week--1 teacher;
  (b) part-time special class--departmentalized-block
    (i) preschool/primary--up to 12 pupils per class period;
    (ii) elementary--up to 12 pupils per class period or 40 per day--1 teacher;
    (iii) secondary--up to 16 pupils per class period or 40 per day--1 teacher;
  (c) full-time special class--self-contained
    (i) preschool/primary--up to 12 pupils--1 teacher;
    (ii) elementary--up to 12 pupils--1 teacher;
    (iii) secondary--up to 16 pupils-- 1 teacher.

(5) Trainable Mentally Handicapped. Full-time special class--self-contained:
  (a) up to 6 pupils--1 teacher;
  (b) 7-12 pupils--1 teacher, 1 aide;
  (c) 13-16 pupils--1 teacher, 2 aides.

(6) Severely/Profoundly Handicapped. Full-time special class--self-contained:
  (a) up to 6 pupils--1 teacher, 1 aide;
  (b) 7-12 pupils--1 teacher, 2 aides.

(7) Multihandicapped. Full-time special class--self-contained:
  (a) up to 6 pupils--1 teacher, 1 aide;
  (b) 7-12 pupils--1 teacher, 2 aides.

(8) Orthopedically Impaired
  (a) regular class and supportive services--resource, enrichment, diagnostic prescriptive, consultant: Up to 15 pupils per week--1 teacher;
  (b) part-time special class--departmentalized-block: Up to 10 pupils per class period--1 teacher;
  (c) full-time special class--self-contained; up to 12 pupils--1 teacher, 1 aide.

(9) Seriously Emotionally Handicapped
  (a) regular class and supportive services--resource, enrichment, diagnostic prescriptive, consultant, crisis teacher: Up to 20 pupils per week--1 teacher;
  (b) part-time special class--departmentalized-block: Up to 6 pupils per class period--1 teacher; up to 8 pupils per class period--1 teacher, 1 aide; up to 16 pupils per week--1 teacher, 1 aide;
  (c) full-time special class--self-contained: Up to 8 pupils--1 teacher, 1 aide.

(10) Specific Learning Disabled
  (a) regular class and supportive services--resource, enrichment, diagnostic prescriptive, consultant: Up to 35 pupils per week--1 teacher if direct services; up to 40 pupils per week if indirect consultant services only;

(b) part-time special class--departmentalized-block: Up to 8 pupils per class period or 25 per day--1 teacher;

(c) full-time special class self-contained: Up to 12 pupils--1 teacher.

(11) Speech and Language Impaired.

(a) There are no maximum or minimum caseloads. Caseload requirements must be flexible enough to provide for appropriate services in direct accord with diagnosed pupil needs. Consideration should be given to types of severity of pupils' problems; nature and level of services required by pupils to allow them to progress at optimum learning rates in accomplishing specific objectives; and ages, intellectual abilities and emotional behaviors of pupils to be served.

(b) Full-time or part-time class for children with language disorders: Up to 12 pupils--1 teacher, 1 aide.

(12) Visually Impaired

(a) regular class and supportive services--resource, enrichment, diagnostic prescriptive, consultant: Up to 35 pupils per week--1 teacher;

(b) part-time special class--departmentalized block: Up to 8 pupils per class period or 25 per day--1 teacher;

(c) full-time special class--self-contained;

(i) blind--up to 8 pupils--1 teacher;

(ii) partially sighted--up to 10 pupils--1 teacher;

(iii) blind-severely handicapped--up to 4 pupils--1 teacher, 1 aide in residential programs.

(13) Hospitalized/Homebound. Hospital/home services: Up to 12 pupils--1 teacher.

History Note: Statutorv Authoritv G. S. 115-367;
Eff. October 1, 1978;
Amended Eff. September 30, 1980; July 15, 1979.

.1517 DUE PROCESS PROCEDURES FOR DPI, DHR AND DOC

(a) Notification. The parent, guardian or surrogate parent must receive prior written notice a reasonable time before the local education agency proposes to initiate or change the identification, evaluation, individualized evaluation program, or educational placement of the child or the provision of a free appropriate public education to the child. Prior notice is also to be given when the school-based committee has evidence to show that a pupil no longer needs special education or related services and it is determined that another placement would be more beneficial to the child. Such notice in the native language of guardian shall contain the following:

963

30. North Dakota

SPECIAL EDUCATION IN NORTH DAKOTA

GUIDELINES

GUIDE I - LAWS, POLICIES, AND REGULATIONS FOR SPECIAL EDUCATION FOR EXCEPTIONAL STUDENTS

OCTOBER 1st 1889

THE STATE OF NORTH DAKOTA
Department of Public Instruction
Dr. Joseph C. Crawford, Superintendent
BISMARCK, NORTH DAKOTA 58505

965

LAWS, POLICIES, AND REGULATIONS
FOR
SPECIAL EDUCATION FOR EXCEPTIONAL CHILDREN

January, 1982

C. PROGRAMS FOR STUDENTS WITH SPECIFIC LEARNING DISABILITIES

1.0 ELIGIBILITY OF STUDENTS: The child shall be diagnosed as having an identified learning disability associated with at least one of the basic psychological processes.

1.1 The definition of Specific Learning Disabilities in North Dakota Law (Section 15-59-07) is as follows:

> "Children are said to have special learning disabilities when they have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect function in listening, writing, spelling, or doing mathematical calculations. Such disorders include conditions described as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia, but do not include those with learning problems primarily the result of visual, hearing or motor handicaps, of mental retardation or emotional disturbance, or of environmental disadvantage."

1.2 The student must meet both criteria:

1.2.1 Criterion 1--The student does not achieve commensurate with his or her age and ability level in one or more areas of academic functioning when provided with learning experiences appropriate to the student's age and ability level.

1.2.2 Criterion 2--A severe discrepancy exists between achievement and intellectual ability in one or more of the following areas:

Oral expression
Listening comprehension
Written expression
Basic reading skill
Reading comprehension
Mathematics calculation
Mathematics reasoning
Spelling
Social skills
Independence or self-help skills
Psychomotor functioning

2.0 **SIZE OF ENROLLMENT/CASELOAD:** A school enrollment of at least 500 students shall be the basis for selection of a caseload. A caseload shall be limited to 6-20 pupils per week on a continuing basis.

2.1 Students in Step 1 (see 1.4.1 above) are not to be counted on the SLD caseload. The SLD teacher may be involved with teacher conferences, consultation, and inservice regarding the needs of the students in Step 1.

2.2 The caseload should consist of students with an identified specific learning disability which requires intensive long-term programming. Consultative services for others within the school should be considered part of the specific learning disabilities teacher's role.

2.3 See N this section for Resource Room.

3.0 **FACILITIES:** An established work space in each school, including adequate storage for materials, locked files, and access to telephone, shall be provided.

3.1 If a hallway is to be used, it should be partitioned into an acceptable room.

3.2 Avoid lunchrooms, principal offices, etc.

3.3 Whenever appropriate the SLD teacher should arrange to work with the student within the classroom.

4.0 QUALIFICATIONS OF TEACHERS

4.1 A teacher of students with specific learning disabilities shall have a valid North Dakota Educator's Professional Certificate and the Specific Learning Disabilities Credential.

4.2 Areas of preparation of teachers and coordinators in specific learning disabilities include the following coursework. Most of the coursework should be taken at the graduate level. Since not all of these are course titles, applicants should have their transcripts and course content evaluated by the Department of Public

D. PROGRAMS FOR EMOTIONALLY DISTURBED STUDENTS

1.0 ELIGIBILITY OF STUDENTS: Any student enrolled in a separate classroom or resource room for emotionally disturbed students shall have had a psychiatric and psychological evaluation indicating presence of behaviors which are inappropriate and persistent.

1.1 Agressiveness, withdrawal, and fear may be appropriate emotional and behavioral responses to specific situations. When these behaviors or others are persistently inappropriate to the situation and pervasive in many areas of a student's life, he may need special help if he is to benefit in the learning environment.

1.2 Program services should be established for the severely disturbed student. To bring about a total approach for these students, involve school, parent, and professional persons.

1.3 Following evaluation a report of the professional recommendations must be available and filed in the student's confidential file as a part of the individualized education program for the student.

2.0 SIZE OF ENROLLMENT/CASELOAD CLASSES: A separate classroom for severely emotionally disturbed students shall enroll 3-10 students with an age range of not more than three years. Students with less severe emotional problems may be served by qualified personnel in a resource room or through consultation with the regular classroom teacher. Caseload number varies with need of students.

2.1 See N. Resource Room in this Section, page

3.0 FACILITIES: Appropriate facilities must be provided.

3.1 A classroom for emotionally disturbed students shall be at least the size of a regular classroom and meet at least minimum standards for light, heat, ventilation, and storage.

E. PROGRAMS FOR STUDENTS WITH LANGUAGE AND SPEECH DISORDERS IN PUBLIC SCHOOLS

1.0 ELIGIBILITY OF STUDENTS: Any student enrolled in the language and speech disorders caseload shall have a communication disorder or difference identified by a qualified speech/language pathologist. Any student having a communication disorder is eligible for services.

1.1 Communication disordered students are those with language and/or speech anomalies in the areas of articulation, language, voice, and fluency. Hearing impairment may be classified as a communication disorder when it impedes the development, performance, or maintenance of articulation, language, voice, or fluency. Cultural/ethnic linguistic deviations are not considered communication disorders. For further definition, see Section II of Guide III - Programs for Students with Language, Speech and Hearing Disorders in the Public Schools.

2.0 SIZE OF ENROLLMENT/CASELOAD: Approvable caseload size shall range from 50-60 students receiving therapy per year. A lower number in the caseload may be approved if the communication disorders of the population being served warrant it. Written application must be made and written approval from the Department of Public Instruction is necessary for caseloads of less than 20 students weekly.

2.1 A school enrollment of 1,200 will be appropriate to yield a caseload for a continuing speech/language pathology program.

2.2 The caseload must be reviewed periodically by the speech/language pathologist and administrator.

2.3 In special programs serving severely handicapped students, the speech/language pathologist may be limited to one school building or one classroom working with the teacher and other specialized personnel. It will be the responsibility of the building principal or director of special education to request approval of the program from the Department of Public Instruction.

2.4 Speech/language pathologists holding additional teaching certification and additional preparation may meet requirements as classroom teachers for pre-school, language impaired, or multiply handicapped students.

3.0 PLACEMENT OF STUDENTS: The speech/language pathologist, in consultation with building principal and other appropriate personnel, shall select the student caseload and develop an individualized education program for each student selected. Students with the most severe language, speech, and hearing disorders shall have priority in the caseload.

3.1 Priorities are assigned based on individual assessment of the students' language and speech. Priorities are defined in Section II, page 46 of Guide III.

3.2 An individualized education program for each student must be developed by the team with input from the parents.

3.3 The speech/language pathologist must report to the parents at least three times annually--one of those times in person.

4.0 FACILITIES: There shall be an established quiet place appropriate to program and student needs. Storage for equipment and materials and adequate light, heat, and ventilation are also required.

4.1 The facility provided for the speech/language pathologist should be located near the classrooms and closed to student and staff traffic during therapy hours.

4.2 The facility should be free from potential health and safety hazards and consist of at least 180 square feet floor space.

4.3 Access to the intercommunication system of the school and a minimum of two conveniently located grounded electrical outlets should be provided.

4.4 At a minimum, the room facility should include an office desk and chair; a filing cabinet; chairs and a table of appropriate size for the students; and a mounted or portable bulletin board, blackboard, and mirror.

F. PROGRAMS FOR VISUALLY IMPAIRED STUDENTS

1.0 **ELIGIBILITY OF STUDENTS**: Any student enrolled in a separate or resource program for visually impaired students or being provided with supplementary instruction, braille or large print books because of a visual problem, will have had opthalmological examination and a report filed in the student's individual file.

1.1 A student with visual impairment of 20/200 is considered legally blind though he may be able to use vision as a secondary channel for education. A student with 20/70 - 20/200 or a restricted field of vision is partially-sighted and may require large print texts and materials in order to use vision as the primary channel of learning. Blind students may require braille texts as the major material.

2.0 **SIZE OF ENROLLMENT/CASELOAD**: An approvable enrollment in a self contained classroom for visually impaired students, or for a resource teacher for blind students enrolled in regular classes is 3-10 students.

2.1 Individual students with visual impairment may be enrolled in regular classes using supplemental instruction.

2.2 Whenever a resource teacher is provided for blind students enrolled in regular classes at least 50% of the resource teacher's time will be needed to prepare brailled material, provide regular classroom teachers with materials for the blind student, and help the student integrate into physical education and to develop mobility.

2.3 Contact the Department of Public Instruction, Special Education, for information on procedures for securing large print books or brailled texts at state expense. See also 6.3 following.

3.0 **PLACEMENT OF STUDENTS**: The individualized education program team will review all diagnostic information and with input from parents make placement decisions. Note: See Procedural Guarantees, Section II, 6.0.

G. PROGRAMS FOR HEARING IMPAIRED STUDENTS

1.0 ELIGIBILITY OF STUDENTS: Any student enrolled in a separate or resource program for hearing impaired students or who is being provided with supplementary instruction or amplification equipment because of hearing impairment will have had an otological evaluation and a report filed of the student's need for special services based on audiological and/or medical reports.

1.1 Hearing impaired students include both deaf students and hard of hearing students. Deaf students are those for whom hearing cannot be used as a major sensory pathway for learning. Hard of hearing students can use amplified sound as a major channel of learning.

2.0 SIZE OF ENROLLMENT/CASELOAD: An approvable enrollment in a classroom for hearing impaired students or for a resource teacher serving hearing impaired students who are enrolled in regular classes is 3-10. Ages of students in a self-contained class should not exceed a three year age spread.

2.1 Individual students with hearing impairment may be enrolled in regular classes using supplemental instruction and amplification of sound if this meets the educational needs of the student.

2.2 The instruction program, equipment and special methods must be stated in the student's individualized education program.

3.0 PLACEMENT OF STUDENTS: Appropriate placement of a student will be determined during development of the individualized education program.

Note: See Procedural Guarantees, Section II, 6.0.

3.1 The team will design an individualized education program for each student with input from parents.

973

H. PROGRAMS FOR EDUCABLE MENTALLY HANDICAPPED STUDENTS

1.0 **ELIGIBILITY OF STUDENTS**: Any student enrolled shall have had a team evaluation including an individually administered psychological test by a qualified examiner indicating a full scale I.Q. score of 50-75.

1.1 The student's primary deficit will be in the area of intellectual functioning. In addition, the student may exhibit deficits in motor, emotional, and social development. These major deficits may be expected to continue over time. An appropriate educational program will increase the probability that the individual will live and work independently in the community.

1.2 A student may not be placed in a special education program on the basis of one test.

2.0 **SIZE OF ENROLLMENT/CASELOAD**: Approvable class size for elementary and junior high school class for educable mentally handicapped students is 6-12 students within a four year chronological age spread. Class size for high school educable mentally handicapped students is 6-15.

2.1 A student should participate in regular curriculum in content and amount of time commensurate with his need for the program and his success in carrying out the curriculum requirements in regular classes. Special class teachers must work with the regular teacher in modifying and supporting the requirements of the curriculum.

2.2 See N. this section for Resource Room.

3.0 **PLACEMENT OF STUDENTS**: A review of individual psychological, educational, and medical data with input from parents must be made at a meeting of the team developing the individual plan before enrollment in a special class. Class performance and other data must be reviewed by the team and a re-evaluation must be made at least every three years to determine the appropriateness of placement in this program.

Note: See Procedural Guarantees, Section II, 5.0 and 6.0.

3.1 An individualized education program must be developed by the team including the parents, and must be reviewed at least annually.

I. PROGRAMS FOR TRAINABLE MENTALLY HANDICAPPED STUDENTS

1.0 **ELIGIBILITY OF STUDENTS**: A student whose primary handicap is mental retardation and who obtains a full scale I.Q. score below 50 on a test given by a qualified psychologist should be considered for placement in this program. The severity of retardation or related problems are not to be used as a basis of exclusion from programs for trainable mentally handicapped students.

1.1 Primary deficit will be manifested in moderate to severe intellectual limitations with probable accompanying deficits in language, motor, and emotional development. Deficits will continue through time; however, appropriate education programs increase the probability of some degree of independence in community life.

1.2 The student's individualized education plan must be developed by the team with parent input, and must be reviewed at least annually.

1.3 A student may not be placed in a special education program on the basis of one test.

2.0 **SIZE OF ENROLLMENT/CASELOAD**: A teacher may carry an enrollment of 6-12 students with a maximum age spread of five years in the enrolled group.

2.1 In cases where transportation or lodging is not feasible for an individual student, a class may be started for a smaller number of students. Long term planning is needed to assure an adequate program for the student over the period of the school years.

3.0 **PLACEMENT OF STUDENTS**: All diagnostic data (psychological, educational, medical) and parent input must be considered by the team during development of the individualized education plan before a placement decision is made. The decision must be reviewed and reevaluation made at least every three years.

Note: See Procedural Guarantees, Section II, 5.0 and 6.0.

3.1 The IEP development process should assure that placement is appropriate and has considered the least restrictive environment in which the student can receive appropriate education.

J. PROGRAMS FOR PHYSICALLY HANDICAPPED STUDENTS

1.0 ELIGIBILITY OF STUDENTS: Any student enrolled shall have had a medical examination and recommendation made to the special education program because of need to use specialized equipment and materials.

1.1 The student's deficit in motor functioning is sufficiently severe to require special equipment, prosthetic devices, and a modified education program. These deficits may be expected to continue, but an appropriate educational program will increase the probability of future independence.

2.0 SIZE OF ENROLLMENT/CASELOAD: Approvable class size for programs for physically handicapped students will be determined by the equipment and materials needed for the student, the size of the classroom, and the amount of time each student spends in the regular classroom. Ordinarily, 6-12 students would be appropriate.

2.1 The students should spend most of their school day in regular classes using the special class and special teacher as a resource. At least 25% of the time of the special class teacher will need to be spent coordinating with the regular class teachers.

3.0 PLACEMENT OF STUDENTS: A review of the medical report must be made at the time of the development of the individualized education plan.

Note: See Procedural Guarantees, Section II, 6.0.

3.1 Educational modifications should be made to facilitate the student's use of regular classes and facilities as much as possible.

3.2 If orthopedic equipment is to be used it must be recommended by a physician.

3.3 Curriculum and related services must be stated in the individual education plan.

M. PROGRAMS FOR HOME AND HOSPITALIZED STUDENTS AND OTHER HEALTH IMPAIRED

1.0 A student with limited strength, vitality or alertness due to a health impairment which adversely affects the student's educational performance or makes school attendance impossible shall be provided special education services. It may be necessary to provide a home or hospitalized program or a modified program in the school upon approval of a medical doctor. The recommendation and report shall be filed in the student's confidential file.

1.1 Students with chronic or acute conditions and diseases such as asthma, cystic fibrosis, epilepsy, heart condition, rheumatic fever, leukemia, sickle-cell anemia, hemophilia, diabetes, may require special education and related services. Students with progressive diseases such as muscular dystrophy or multiple sclerosis which may subsequently cause a physical disability are also eligible.

1.2 If the student is temporarily or periodically confined to home or hospital, instruction appropriate to the student's health condition is to be provided in that setting. The purpose of the home and hospital program is to maintain the student's school progress and to keep the student in touch with peers. The student must be well enough to pursue at least a minimal program but may not always carry a full course load. The school progress records are to be kept in the school file.

1.3 Students who can attend school may require a modified school program due to limitations in physical vitality. Students may also require observation and supervision in medication and diet needs.

2.0 SIZE OF ENROLLMENT/CASELOAD IN HOME OR HOSPITAL SETTING: A full-time teacher shall serve five individual homebound students or up to ten in a hospital group.

Note: When the program is provided in the school setting, the student will generally be enrolled full-time in the regular classroom with modifications provided as needed.

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31. Ohio

RULES
FOR THE
EDUCATION OF
HANDICAPPED CHILDREN

STATE BOARD OF EDUCATION
OHIO

Ohio Department of Education
Columbus, Ohio

TABLE OF CONTENTS

3301-51-01 DEFINITIONS 3

3301-51-02 PROCEDURAL SAFEGUARDS FOR HANDICAPPED CHILDREN

A. Identification of Handicapped Children 14
B. Confidentiality 18
C. Preevaluation 24
D. Multifactored Evaluation 27
E. IEP Activities 29
F. Parent Surrogate 34
G. Impartial Due Process Hearing 35

3301-51-03 CONTINUUM OF PROGRAM OPTIONS FOR HANDICAPPED CHILDREN

A. General 42
B. Supplemental Services 43
C. Individual/Small Group Instruction 45
D. Special Class/Learning Center 47
E. Home Instruction 49

3301-51-04 SPECIAL EDUCATION PROGRAMS FOR HANDICAPPED CHILDREN

A. Program for Multihandicapped 50
B. Program for Hearing Handicapped 53
C. Program for Visually Handicapped 56
D. Program for Orthopedically and/or Other Health Handicapped 59
E. Program for Severe Behavior Handicapped . 62
F. Program for Developmentally Handicapped . 66
G. Program for Specific Learning Disabled . .. 68

3301-51-05 RELATED SERVICES FOR HANDICAPPED CHILDREN

A. General 73
B. Adapted Physical Education Services 74
C. Aide Services 75
D. Attendant Services 76
E. Audiological Services 76
F. Guide Services 78
G. Interpreter Services 78
H. Medical Services 79
I. Occupational Therapy Services 80
J. Orientation and Mobility Services 81
K. Physical Therapy Services 82

3301-51-01 DEFINITIONS.

THE FOLLOWING TERMS ARE DEFINED AS THEY ARE USED IN THESE RULES.

A. *"ADAPTIVE BEHAVIOR"* means the effectiveness with which the individual copes with the natural and social demands of his or her environment. It has two major facets:

1. The degree to which the individual is able to function and maintain himself or herself independently, and
2. The degree to which he or she meets satisfactorily the culturally imposed demands of personal and social responsibilities.

B. *"AGE"* means chronological age.

C. *"ANNUAL GOAL"* means expected behavior to be achieved through the implementation of the child's individualized education program. These goals must meet the unique needs of each handicapped child as determined by appropriate evaluation techniques and/or instrumentation.

D. *"AT NO COST"* means that all specially designed instruction is provided without charge, but does not preclude incidental fees which are normally charged nonhandicapped pupils as a part of the regular education program.

E. *"AWARENESS ACTIVITIES"* means those procedures designed to inform the school community and the general public of the school district's current efforts to identify handicapped children who may need special education programs and/or related services.

F. *"CHILD INFORMATION MANAGEMENT SYSTEM"* (CIMS) means a written set of procedures utilized in the identification, evaluation, individualized education program, placement, and periodic review processes to provide for systematic data collection, classification, maintenance, updating and reporting and which assists in making appropriate educational program decisions for handicapped children who may need special education programs and/or related services.

K. "*DEAF*" means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

L. "*DEAF-BLIND*" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children.

M. "*DESTRUCTION*" means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

N. "*DEVELOPMENTALLY HANDICAPPED*" (mentally retarded) means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior manifested during the developmental period, which adversely affects a child's educational performance.

O. "*DIFFERENTIATED REFERRAL SYSTEM*" means a referral procedure that specifies type, extensiveness and priorities of evaluation and/or consultation services.

P. "*DUE PROCESS*" means the safeguards to which a person is entitled in order to protect his or her rights.

Q. "*EARLY CHILDHOOD EDUCATION FOR THE HANDICAPPED*" means special education programs and related services for children below five years of age.

R. "*EDUCATION RECORDS*" means those records which are directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution. The term does not include those records which are excluded under 34 Code of Federal Regulations (CFR) Reg. 99.3.

S. "*EVALUATION*" means procedures used to determine the child's current level of functioning.

T. "*FREE APPROPRIATE PUBLIC EDUCATION*" means special education and related services which:

1. Are provided at public expense, under public supervision and direction, and without charge;
2. Meet rules for special education adopted by the State Board of Education;
3. Includes elementary education, secondary education, and may include early childhood education;
4. Are provided in conformity with an individualized education program;
5. Are provided in conformity with the following:
    a. School districts are responsible for the identification and multifactored evaluation of all handicapped children below twenty-two years of age.
    b. Each school district shall provide a free and appropriate education to all handicapped children, five through twenty-one years of age, unless the child has completed the twelfth grade and has been issued a diploma.
    c. School districts may provide educational programs for handicapped children three and four years of age. If a program is provided for more than fifty per cent of the children in this age range within one classification of handicapping condition, the program must be offered to all children with such handicap.
    d. School districts may provide diagnostic services for handicapped children below three years of age and counseling to the parent.

U. "*HANDICAPPED CHILD*" means a person below twenty-two years of age who has one or more handicaps as defined in paragraphs K., L., N., V., DD., GG., II., AAA., FFF., GGG., and KKK. of this rule.

V. "*HARD OF HEARING*" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition of deaf as defined in paragraph K. of this rule.

W. "*IDENTIFICATION*" means those activities designed to locate handicapped children or children suspected of being handicapped.

X. "*IN-SCHOOL*" means the child is enrolled in and attends a public or a nonpublic school, receives home instruction, or has been placed in an educational program administered by an other educational agency for the purpose of receiving a special education and related services.

Y. "*INDIVIDUALIZED EDUCATION PROGRAM*" (IEP) means a written statement for a handicapped child that is developed and implemented in accordance with paragraph E. of rule 3301-51-02, of the Administrative Code.

Z. "*IEP CONFERENCE*" means a meeting of appropriate persons in order to:

1. Review the multifactored evaluation team report;
2. Determine the nature and degree of special education intervention needed, if any;
3. Develop an IEP for a child determined to be in need of special education in accordance with all requirements of paragraph E. of rule 3301-51-02 of the Administrative Code; and
4. Determine educational placement in the least restrictive environment in accordance with the IEP.

AA. "*LEAST RESTRICTIVE ENVIRONMENT*" means that, to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

BB. "*MEDICAL SERVICES*" means those diagnostic and evaluation services that are required for initial or continued placement in an appropriate special education program or for provision of related special education services.

CC. "*MULTIFACTORED EVALUATION*" means an evaluation, conducted by a multidisciplinary team, of more than one area of a child's functioning so that no single procedure shall be the sole criterion for determining an appropriate educational program placement. This process shall be designed to assure that children are not misclassified or unnecessarily labeled as being handicapped because of inappropriate selection, administration, or interpretation of evaluation materials and shall be implemented in accordance with paragraph D. of rule 3301-51-02 of the Administrative Code.

DD. *"MULTIHANDICAPPED"* means such a severe impairment, and/or such concomitant impairments, that the child's educational problems make it impossible to accommodate the needs of the child in any program but a program for multihandicapped children. (This definition may include deaf-blind; autistic; and moderately, severely or profoundly developmentally handicapped children.)

EE. *"NATIVE LANGUAGE"* means the language normally used by a person, or in the case of a child, the language normally used by the parent of the child.

FF. *"NOTICE"* or *"NOTIFICATION"* means a statement written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, steps shall be taken to insure that:

1. The notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
2. The parent understands the content of the notice; and
3. There is written evidence that the requirements in paragraphs FF. 1. and FF. 2. of this rule have been met.

GG. *"ORTHOPEDICALLY HANDICAPPED"* means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, spina bifida, absence of some member), impairments caused by disease (e.g., poliomyelitis, muscular dystrophy, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).

HH. *"OTHER EDUCATIONAL AGENCY"* means a department; division; bureau; office; institution; board; commission; committee; authority; state residential schools; other state or local agency; or an agency administered by the Ohio Department of Mental Health, the Ohio Department of Mental Retardation and Developmental Disabilities, or the Ohio Youth Commission, other than a school district, that provides or seeks to provide special education and related services to handicapped children.

II. *"OTHER HEALTH IMPAIRED"* means limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance.

JJ. *"OUT-OF-SCHOOL"* means that the child is neither enrolled in nor attends a public or a nonpublic school, nor receives home instruction, nor has been placed in an educational program administered by an other educational agency for the purpose of receiving a special education and related services.

KK. *"PARENT"* means either parent. If the parents are separated or divorced, "parent" means the parent with legal custody of the handicapped child. "Parent" also includes a child's guardian, custodian, or parent surrogate. At age eighteen, the child may act in his or her own behalf. This term does not include the state if the child is a ward of the state.

LL. *"PARENT COUNSELING AND TRAINING"* means procedures utilized to assist the parent in understanding the special needs of the child and to provide the parent with information about child development and the educational implications of the handicapping condition.

MM. *"PERIODIC REVIEW"* means those activities involved in reviewing each child's IEP and, if appropriate, revising its provisions. A meeting must be held for this purpose at least once a year.

NN. *"PERSONALLY IDENTIFIABLE DATA"* includes:

1. The name of the child, the child's parent, or other family member;
2. The address of the child;
3. A personal identifier, such as the child's date of birth, social security number or student number; and

4. A list of personal characteristics or other information which would make it possible to identify the child with reasonable certainty.

OO. "*PHYSICAL EDUCATION*" means regular physical education or, adapted physical education.

PP. "*POLICY*" means a written statement which identifies a plan or course of action and is adopted by a board of education.

QQ. "*PROCEDURES*" means a written statement identifying the persons responsible for conducting the activities, a listing of the activities to be conducted, and the schedule identifying when the activities will be accomplished.

RR. "*QUALIFIED*" means a person holding an appropriate state certificate or license which applies to the area in which he or she is providing special education and/or related services.

SS. "*REEVALUATION*" means a multifactored evaluation conducted after initial placement in a program for special education. This reevaluation must be conducted every three years or more frequently if conditions warrant or if the child's parent or teacher requests a reevaluation. Parental consent is not necessary as a condition of reevaluation, providing consent for evaluation has not been revoked.

TT. "*REFERRAL*" means the established process whereby the names of children suspected of having a handicapping condition that may require special education and related services are forwarded to a designated person, in writing, for a multifactored and multidisciplinary evaluation.

UU. "*RELATED SERVICES*" means transportation and such developmental, corrective and other support services as are required to assist a handicapped child to benefit from special education and includes those services described in rule 3301-51-05 of the Administrative Code.

VV. "*SCHOOL DISTRICT*" means a city, county, exempted village, joint vocational, or local school district.

WW. "*SCHOOL DISTRICT OF RESIDENCE*" means:

1. The school district in which the child's parent resides, whether in a public or private dwelling or institution, or if not so determined;

2. The last school district in Ohio in which the child's parent is known to have resided if the parent's whereabouts are unknown, or if not so determined;
3. The school district in which the child's parent resided when the child's placement in a program of special education was made, or if not so determined;
4. The school district as determined by the probate court of the county from which admission or placement was made.

XX. *"SCHOOL HEALTH SERVICES"* means services provided by a qualified school nurse or other qualified persons.

YY. *"SCREENING"* means a testing procedure whereby a general population is divided into two groups based on the results of the testing procedure. The persons in one subgroup meet the established screening criteria, and the persons in the other subgroup fail to meet the established screening criteria and require further evaluation. Parental consent is not required for screening procedures.

ZZ. *"SERVED"* means that a handicapped child is provided special education in accordance with his or her IEP.

AAA. *"SEVERE BEHAVIOR HANDICAPPED"* is defined as follows:

1. The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:
    - a. An inability to learn, which cannot be explained by intellectual, sensory or health factors;
    - b. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
    - c. Inappropriate types of behavior or feelings under normal circumstances;
    - d. A general pervasive mood of unhappiness or depression; or
    - e. A tendency to develop physical symptoms or fears associated with personal or school problems.
2. The term does not include children who are socially maladjusted, unless it is determined that they are severe behavior handicapped.

BBB. "*SHORT TERM INSTRUCTIONAL OBJECTIVES*" means the intermediate steps leading to the accomplishment of the stated annual goals.

CCC. "*SIGNIFICANT SUBAVERAGE GENERAL INTELLECTUAL FUNCTIONING*" means an intelligence quotient of eighty or below as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration.

DDD. "*SPECIAL EDUCATION*" means specially designed instruction, at no cost to the parent, to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions. The term includes speech and language services or any other related service, if the services consist of specially designed instruction, at no cost to the parent, to meet the unique needs of a handicapped child, and is considered "special education" rather than a "related service" as defined in paragraph UU. of this rule. The term also includes vocational education if it consists of specially designed instruction, at no cost to the parent, to meet the unique needs of a handicapped child.

EEE. "*SPECIAL TRANSPORTATION*" means those transportation services which are required because of the child's special characteristics or the location of the special education program and related services and which are in addition to the regular transportation services provided by the school district. The term includes:

1. Travel to and from school and between schools;
2. Travel in and around school buildings; and
3. Specialized equipment (such as special or adapted buses, lifts and ramps), if required to provide special transportation for a handicapped child.

FFF. "*SPECIFIC LEARNING DISABILITY*" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural or economic disadvantage.

GGG. *"SPEECH HANDICAPPED"* means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's educational performance.

HHH. *"SUPERINTENDENT"* means the administrative head of the school district in which the child's parent resides, or his or her designated representative, unless otherwise indicated.

III. *"TEACHER"* for the purpose of IEP meetings means:

1. The child's special education teacher for a child receiving special education; or
2. The speech-language pathologist for a child receiving speech and language services only; or
3. The child's regular teacher or a teacher qualified to provide education in the type of program in which the child may be placed for a child being considered for placement in special education; or
4. The teacher designated by the school district or other educational agency for a child who is not in school or has more than one teacher.

JJJ. *"UNSERVED"* means that a handicapped child is not provided an education in accordance with his or her IEP.

KKK. *"VISUALLY HANDICAPPED"* means a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children.

LLL. *"VOCATIONAL EDUCATION"* means organized educational programs which are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

a. Assisting in the development of the IEP for the child;

b. Providing the instructional program for the child including appropriate aids and materials;

c. Providing, in cooperation with school personnel, periodic reports on the child's progress in a manner consistent with the reporting practice of the school district; and

d. Coordinating with school personnel in the successful return of the child to the regular education program or another special education program.

3301-51-04 SPECIAL EDUCATION PROGRAMS FOR HANDICAPPED CHILDREN.

A. PROGRAM FOR MULTIHANDICAPPED CHILDREN

1. Eligibility

A child who meets the definition of multihandicapped according to paragraph DD. of rule 3301-51-01 of the Administrative Code and the following requirements shall be eligible for special education programming and related services for multihandicapped children.

a. Each child shall have a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas:

(i) Physical examination completed by a licensed doctor of medicine or doctor of osteopathy;

(ii) General intelligence as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration;

(iii) Academic performance;

(iv) Vision, hearing, and motor abilities;

(v) Communicative status;

(vi) Adaptive behavior; and

(vii) Social and emotional status.

b. Each child shall exhibit:

(i) A combination of two or more handicaps as defined in paragraphs K., L., N., V., GG., II., AAA., GGG., and KKK. of rule 3301-51-01 of the Administrative Code and moderate, severe or profound deficits in communication or adaptive behavior; or

(ii) A moderate, severe or profound developmental handicap with moderate, severe or profound deficits in socialization, communication or adaptive behavior.

c. Medical consultation shall be encouraged on a continuing basis, especially when the school authorities feel that there has been a change in the child's behavior or educational functioning or when new symptoms are detected.

d. The required reevaluation includes, but is not necessarily limited to, areas in paragraphs A. 1. a. (i) to A. 1. a. (vii) of this rule.

2. Educational Program

a. An educational program shall be developed that is:

(i) Designed to provide skills leading to independence as an adult on the basis of the evaluation of each child;

(ii) Developmentally sequential;

(iii) Designed to provide objectives leading to one or more occupational skills; and

(iv) Designed to provide training in modes of communication that are appropriate to the needs of the child, functional daily living skills, prevocational/vocational skills, and adaptive behavior.

b. The data from the multifactored evaluation of the handicapped child and the child's IEP shall be available to and used by special education teachers in the development of the child's instructional program.

c. Periodic written reports consistent with the reporting schedule of the school district or other educational agency of attendance shall be provided to the parent of the handicapped child regarding the child's progress.

d. Special education teachers shall have as a full-time teaching responsibility the instruction of handicapped children. Special education teachers may be assigned to other noninstructional school responsibilities on the same basis as the general teaching staff.

3. Program Options

a. Supplemental services

b. Individual/small group instruction

c. Special class/learning center

  (i) Teacher/pupil ratio

    (a) One special class/learning center teacher shall serve six to eight children.

    (b) There shall be at least one full-time aide in each special class/learning center for multihandicapped children.

  (ii) Age range

  The age range shall not exceed sixty months within any one instructional period.

  (iii) Housing, facilities, equipment and materials

    (a) The items regarding housing, facilties, equipment and materials for the education of all handicapped children designated in paragraph D. 4. of rule 3301-51-03 of the Administrative Code shall be provided for the instructional program for multihandicapped children.

    (b) All necessary special equipment and furnishings for the instruction and safety of multihandicapped children shall be provided. Equipment and furnishing provision shall be made in accordance with paragraphs B., C., D., E., F., and G. of this rule, when appropriate to serve the needs of the children enrolled in this program.

d. Home instruction

4. Teacher Qualifications

a. An individual/small group instruction teacher shall hold an Ohio special education teacher's certificate to teach the moderately, severely or profoundly retarded or, upon approval by the Ohio Department of Education, Division of Special Education, another special education certificate for an area that would be appropriate for the children being served.

b. A special class/learning center teacher shall hold an Ohio special education teacher's certificate to teach the moderately, severely or profoundly retarded or, upon approval by the Ohio Department of Education, Division of Special Education, another special education certificate for an area that would be appropriate for the children being served.

c. The special class/learning center teacher for multihandicapped shall hold an Ohio certificate for a teacher for multihandicapped children if such a certificate is established by the State Board of Education for this area.

B. PROGRAM FOR HEARING HANDICAPPED CHILDREN

1. Eligibility

A child who is deaf or hard of hearing as defined in paragraphs K. and V. of rule 3301-51-01 of the Administrative Code and the following requirements shall be eligible for special education programming and related services for hearing handicapped children.

a. Each child shall have a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas:

   (i) Physical examination completed by a licensed doctor of medicine or doctor of osteopathy,

   (ii) General intelligence as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration,

   (iii) Audiological status as determined by an audiological evaluation completed by a certified or licensed audiologist,

   (iv) Academic performance,

   (v) Vision and motor abilities,

   (vi) Communicative status, and

   (vii) Social and emotional status.

b. Each child shall exhibit:

   (i) An average pure tone hearing loss of fifty decibels or greater, according to the "American National Standards Institute" (ANSI)—1969, for the frequencies five hundred, one thousand and two thousand Hertz in the better ear;

   (ii) An average pure tone hearing loss of twenty-five decibels or greater (ANSI) for the frequencies five hundred, one thousand and two thousand Hertz in the better ear, which has an adverse effect upon his or her educational performance related to documented evidence of:

(a) A more severe hearing loss during the developmental years than is currently measured,
(b) A history of chronic medical problems that have resulted in fluctuating hearing, presently or in the past, or
(c) A delay in diagnosis, provision of amplification, and/or initiation of specal programming; or

(iii) A hearing loss in excess of twenty-five decibels (ANSI) for the frequencies one thousand Hertz through eight thousand Hertz in the better ear, resulting in such poor auditory discrimination that it has an adverse effect upon his or her educational performance.

c. Medical consultation shall be encouraged on a continuing basis, especially when the school authorities feel that there has been a change in the child's behavior or educational functioning or when new symptoms are detected.

d. The required reevaluation includes, but is not necessarily limited to, areas in paragraphs B. 1. a. (iii) to B. 1. a. (vii) of this rule.

2. Educational Program

a. An educational program shall be developed that:
(i) Is designed to provide skills leading to independence as an adult on the basis of the evaluation of each child;
(ii) Is developmentally sequential;
(iii) Is designed to provide objectives leading to one or more occupational skills;
(iv) Includes within the language arts program, as is individually appropriate, the special areas of language, speech, speechreading, manual communication, and auditory training.

b. The data from the multifactored evaluation of the handicapped child and the child's IEP shall be available to and used by special education teachers in the development of the child's instructional program.

c. Periodic written reports consistent with the reporting schedule of the school district shall be provided to the parent of the handicapped child regarding the child's progress.

d. Special education teachers shall have as a full-time responsibility the instruction of handicapped children. Special education teachers may be assigned to other noninstructional school responsibilities on the same basis as the general teaching staff.

e. Daily monitoring of all hearing aids and auditory training equipment used by hearing handicapped children shall be conducted to insure their proper functioning.

f. Provisions shall be made for maintenance and prompt repair of all electronic equipment utilized for hearing handicapped children.

3. Program Options

a. Supplemental services

b. Individual/small group instruction

c. Special class/learning center

(i) Teacher/pupil ratio

(a) One special class/learning center teacher shall serve six to ten children.

(b) No more than eight children shall be served during any one instructional period.

(ii) Age range

The age range shall not exceed forty-eight months within any one instructional period.

(iii) Housing, facilities, equipment and materials

(a) The items regarding housing, facilities, equipment and materials for the education of all handicapped children designated in paragraph D. 4. of rule 3301-51-03 of the Administrative Code shall be provided for the instructional program for hearing handicapped children.

(b) The room for instructing a class of hearing handicapped children shall have acoustical treatment to reduce the ambient noise level to sixty decibels or below (ANSI).

(c) Each classroom housing a special class for hearing handicapped students shall have adequate and properly functioning amplification instrumentation available for each child.

(d) The multimedia learning materials and equipment available for use in a special class for hearing handicapped children shall include, but not be lim-

ited to, such items as an overhead, movie and filmstrip projector; wall-mounted projection screen; audio card reader/recorder; tape player/recorder; record player; and provision for displaying visual and tactile materials.

(e) Window shades and/or draperies shall be installed in each special classroom for hearing handicapped students to provide adequate light control for good visual projection of instructional materials.

d. Home instruction

4. Teacher Qualifications

a. An individual/small group teacher shall hold an Ohio special education teacher's certificate to teach the deaf and hard of hearing, or other special education certificate.

b. A special class/learning center teacher shall hold an Ohio special education teacher's certificate to teach the deaf and hard of hearing.

C. PROGRAM FOR VISUALLY HANDICAPPED CHILDREN

1. Eligibility

A child who meets the definition for visually handicapped in paragraph KKK. of rule 3301-51-01 of the Administrative Code and the following requirements shall be eligible for special education programming and related services for visually handicapped children.

a. Each child shall have a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas:

(i) Physical examination completed by a licensed doctor of medicine or doctor of osteopathy,

(ii) General intelligence as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration,

(iii) Eye condition as determined by an eye care specialist,

(iv) Academic performance,

(v) Hearing and motor abilities, and

(vi) Social and emotional status.

b. Each child shall exhibit:

  (i) A visual impairment, not primarily perceptual in nature, resulting in a measured visual acuity of 20/70 or poorer in the better eye with correction, or

  (ii) Each child shall exhibit a physical eye condition that affects visual functioning to the extent that special education placement, materials and/or services are required in an educational setting.

c. The eye examination report should provide information regarding:

  (i) Monocular and binocular corrected and uncorrected visual acuity for near and distance,

  (ii) Complete medical diagnosis,

  (iii) Restrictions of visual field,

  (iv) Color perception,

  (v) Light sensitivity,

  (vi) Physical restrictions,

  (vii) Medical/surgical history,

  (viii) Use of corrective lenses,

  (ix) Recommendations for medical care, and

  (x) Recommendations for low vision evaluation.

d. Medical consultation shall be encouraged on a continuing basis, especially when the school authorities believe that there has been a change in the child's behavior or educational functioning or when new symptoms are detected.

e. The required reevaluation includes, but is not necessarily limited to, areas in paragraphs C. 1. a. (iii) to C. 1. a. (vi) of this rule.

2. Educational Program

a. An educational program shall be developed that:

  (i) Is designed to provide skills leading to independence as an adult on the basis of the evaluation of each child;

  (ii) Is developmentally sequential;

  (iii) Is designed to provide objectives leading to one or more occupational skills; and

  (iv) Includes special areas that are individually appropriate, such as braille, orientation and mobility, adapted physical education, daily living skills, and typing.

b. The data from the multifactored evaluation of the handicapped child and the child's IEP shall be available to and used by special education teachers in the development of the child's instructional program.

c. Periodic written reports consistent with the reporting schedules of the school district shall be provided to the parent of the handicapped child regarding the child's progress.

d. Special education teachers shall have as a full-time responsibility the instruction of handicapped children. Special education teachers may be assigned to other noninstructional school responsibilities on the same basis as the general teaching staff.

e. Provision shall be made for the maintenance and prompt repair of all special equipment utilized for visually handicapped children.

3. Program Options

a. Supplemental services

A supplemental services teacher serving visually handicapped children may provide braille instruction in addition to the teacher responsibilities listed in paragraph B. 5. of rule 3301-51-03 of the Administrative Code.

b. Individual/small group instruction

c. Special class/learning center

(i) Teacher/pupil ratio

(a) One special class/learning center teacher shall serve six to ten children.

(b) No more than eight children shall be served during any one instructional period.

(ii) Age range

The age range shall not exceed forty-eight months within any one instructional period.

(iii) Housing, facilites, equipment and materials

(a) The items regarding housing, facilities, equipment and materials for the education of all handicapped children designated in paragraph D. 4. of rule 3301-51-03 of the Administrative Code shall be provided for the instructional program for visually handicapped children.

(b) The equipment and materials available for use in serving visually handicapped children may include,

but not be limited to, such items as large print materials, low vision aids, brailled material, taped material, braillewriter, slate and stylus, audio card reader/recorder, tape player/recorder, record player, special visual and tactile materials, and self-instructional instruments such as programmed learning machines and cartridge audiovisual equipment that are appropriate for the children being served.

d. Home instruction

4. Teacher Qualifications

a. An individual/small group instruction teacher shall hold an Ohio special education teacher's certificate to teach visually handicapped children, or other special education teacher certificate.

b. A special class/learning center teacher for visually handicapped children shall hold an Ohio special education teacher's certificate to teach visually handicapped children.

D. PROGRAM FOR ORTHOPEDICALLY AND/OR OTHER HEALTH HANDICAPPED CHILDREN

1. Eligibility

A child who meets the definition for orthopedically handicapped and/or other health handicapped as defined in paragraphs GG. and II. of rule 3301-51-01 of the Administrative Code and the following requirements shall be eligible for special education programming and related services for orthopedically and/or other health handicapped children.

a. Each child shall have a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas:

   (i) Physical examination completed by a licensed doctor of medicine or doctor of osteopathy;

   (ii) General intelligence as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration;

   (iii) Academic performance;

   (iv) Vision, hearing, and motor abilities;

(v) Communicative status; and

(vi) Social and emotional status.

b. Each child shall exhibit a congenital or acquired physical disability which adversely affects educational performance.

c. Medical consultation shall be encouraged on a continuing basis, especially when school authorities feel that there has been a change in the child's behavior or educational functioning or when new symptoms are detected.

d. The required reevaluation includes, but is not necessarily limited to, areas in paragraphs D. 1. a. (iii) to D. 1. a. (vi) of this rule.

2. Educational Program

a. An educational program shall be developed that is:

(i) Designed to provide skills leading to independence as an adult based on the evaluation of each child;

(ii) Developmentally sequential;

(iii) Designed to provide objectives leading to one or more occupational skills; and

(iv) Designed to include instruction in fine and gross motor skills and incorporates objectives for occupational and/or physical therapy and alternative modes of communication, when appropriate.

b. The data from the multifactored evaluation of the handicapped child's IEP shall be available to and used by special education teachers in the development of the child's instructional program.

c. Periodic written reports consistent with the reporting schedule of the school district shall be provided to the parent of the handicapped child regarding the child's progress.

d. Special education teachers shall have as a full-time responsibility the instruction of handicapped children. Special education teachers may be assigned to other noninstructional school responsibilities on the same basis as the general teaching staff.

3. Program Options

a. Supplemental services

b. Individual/small group instruction

c. Special class/learning center

(i) Teacher/pupil ratio

(a) One special class/learning center teacher shall serve six to ten children.

(b) No more than eight children shall be served during any one instructional period.

(ii) Age range

The age range shall not exceed forty-eight months within any one instructional period.

(iii) Housing, facilities, equipment and materials

(a) The items regarding housing, facilities, equipment and materials for the education of all handicapped children designated in paragraph D. 4. of rule 3301-51-03 of the Administrative Code shall be provided for the instructional program for orthopedically and/or other health impaired children.

(b) Orthopedically and/or other health handicapped children shall be provided the opportunity to have physical access to all programs and services available to nonhandicapped children of comparable age served by the school district.

(c) All necessary special equipment and furnishings for the instruction and safety of orthopedically and/or other health handicapped children shall be provided.

(i) The building entrance shall be at ground level or equipped with an appropriate ramp;

(ii) A loading and unloading area for buses and other means of transportation shall be situated in a safe area away from playgrounds and hazardous areas;

(iii) Toilet rooms, drinking fountains and lavatories shall be appropriately equipped for children, including necessary safety grab bars and at least one stall designed to accommodate a wheelchair;

(iv) Floors should be of a nonskid nature and free of excessive wax;

(v) Adequate space and equipment shall be provided, both indoors and out-of-doors, for physical activities and recreation;

(vi) Lunchroom facilities shall include furniture, eating utensils and equipment suitable to the individual needs of the children;

(vii) Exits from the building shall be easily accessible for evacuation during an emergency; and

(viii) Rooms shall be well-ventilated.

d. Home instruction

4. **Teacher Qualifications**

a. An individual/small group teacher shall hold an Ohio special education teacher's certificate to teach the orthopedically handicapped, or other special education teaching certificate.

b. A special class/learning center teacher shall hold an Ohio special education teacher's certificate to teach the orthopedically handicapped.

E. PROGRAM FOR SEVERE BEHAVIOR HANDICAPPED CHILDREN

1. Eligibility

A child who meets the definition of severe behavior handicapped in paragraph AAA. of rule 3301-51-01 of the Administrative Code and the following requirements shall be eligible for special education programming and related services for severe behavior handicapped children.

a. Each child shall have a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas:

(i) Physical examination completed by a licensed doctor of medicine or doctor of osteopathy;

(ii) Vision, hearing, and motor abilities;

(iii) Communicative status;

(iv) General intelligence as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration;

(v) Academic performance;

(vi) Background information inclusive of educational, family and medical history;

(vii) Informal behavior observation by the child's current teacher and at least one other team member; and

(viii) Behavior or personality measure.

b. Medical consultation shall be encouraged on a continuing basis, especially when the school authorities feel that there has been a change in the child's behavior or educational functioning or when new symptoms are detected.

c. A written report shall be developed by the evaluation team for each child evaluated for severe behavior handicaps. Each team member shall certify in writing whether or not the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion. The report must include a statement of:

(i) Whether or not the child has a severe behavior handicap;

(ii) The basis for making the determination;

(iii) The relevant behavior noted during the informal behavior observations of the child including:

(a) A clear description of the behavior patterns of concern;

(b) Measure of frequency of occurrence of the behavior in terms of times per minute, hour, day, or other time limit; and

(c) An indication of the intensity of the behavior pattern, i.e., how extreme the behavior is relative to the peer group;

(iv) The relationship of the observations to the norm referenced tests;

(v) How the conditions adversely affect educational performance; and

(vi) Conclusion that the behavior is not a result of a social maladjustment.

d. The required reevaluation includes, but is not necessarily limited to, areas in paragraphs E. 1. a. (iv) to E. 1. a. (viii) of this rule.

2. Educational Program

a. An educational program shall be developed that is:

(i) Designed to provide skills leading to independence as an adult based on the evaluation of each child,

(ii) Developmentally sequential,

(iii) Designed to provide objectives leading to one or more occupational skills, and

(iv) Designed to reflect classroom and child management techniques appropriate for severe behavior handicapped children.

b. The data from the multifactored evaluation of the handicapped child and the child's IEP shall be available to and used by special education teachers in the development of the child's instructional program.

c. Periodic written reports, consistent with the reporting schedule of the school district, shall be provided to the parent of the handicapped child regarding the child's progress.

d. Special education teachers shall have as a full-time responsibility the instruction of handicapped children. Special education teachers may be assigned to other noninstructional school responsibilities on the same basis as the general teaching staff.

e. Provisions may be made for assisting the parent in implementing the strategies for modification of the child's inappropriate behavior.

3. Program Options

a. Supplemental services

b. Individual/small group instruction

c. Special class/learning center

(i) Teacher/pupil ratio

(a) One special class/learning center teacher shall serve six to twelve children.

(b) No more than ten children shall be served during any one instructional period.

(c) There should be a plan on file and in operation in the school district to provide appropriate classroom management and crisis intervention support to the special class/learning center teacher. Included in the plan shall be the following:

(i) Identification of units,

(ii) Name of the administrator or supervisor responsible for the plan,

(iii) Titles of personnel providing classroom management support to the teacher,

(iv) Titles of building personnel assisting the teacher with crisis intervention (the assigned person shall not have the primary responsibility of instructing children. For multiple units of severe behavior handicapped children, the plan shall designate procedures for utilizing personnel for intervention in the event of more than one unit simultaneously needing assistance.), and

(v) A description of the role/function of the personnel assisting the teacher.

A copy of the plan shall be provided to all personnel involved. The plan shall be evaluated at least annually and a written evaluation report shall be on file.

(d) In the absence of a plan, the school district shall employ at least one full-time aide in each special class/learning center.

(ii) Age range

The age range shall not exceed forty-eight months within any one instructional period.

(iii) Housing, facilities, equipment and materials

(a) The items regarding housing, facilities, equipment and materials for the education of all handicapped children designated in paragraph D. 4. of rule 3301-51-03 of the Administrative Code shall be provided for the severe behavior handicapped children.

(b) These items shall be provided in an appropriate school building or in another facility.

d. Home instruction

4. Teacher Qualifications

a. An individual/small group instruction teacher shall hold an Ohio special education teacher's certificate to teach children with learning disabilities and/or behavior disorders.

b. A special class/learning center teacher shall hold an Ohio special education teacher's certificate to teach children with learning disabilities and/or behavior disorders.

F. PROGRAM FOR DEVELOPMENTALLY HANDICAPPED CHILDREN

1. Eligibility

A child who meets the definition for developmentally handicapped in paragraph N. of rule 3301-51-01 of the Administrative Code and the following requirements shall be eligible for special education programming and related services for developmentally handicapped children.

a. Each child shall have a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas:
   (i) General intelligence as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration;
   (ii) Academic performance;
   (iii) Hearing, vision, and motor abilities;
   (iv) Communicative status; and
   (v) Adaptive behavior.

b. In addition to the requirements for eligibility mentioned above, personnel shall also draw upon information from a variety of sources, including teacher recommendations, physical condition, and social or cultural background.

c. Each child shall have a measured intelligence quotient of eighty or below.

d. Each child shall exhibit deficits in academic performance.

e. Each child shall exhibit deficits in adaptive behavior which adversely affect the child's educational performance and/or independent daily living skills. Evidence of deficits in a minimum of two areas of adaptive behavior must be documented through the use of individually administered standardized instruments which have been validated for the specific purpose of measuring adaptive behavior.

f. Medical consultation shall be encouraged especially when school authorities feel that there has been a change in a child's behavior or educational functioning or when new symptoms are detected.

g. The required reevaluation includes, but is not necessarily limited to, areas in paragraphs F. 1. a. and F. 1. b. of this rule.

2. Educational Program

a. An educational program shall be developed that is:

  (i) Designed to provide skills leading to independence as an adult based on the evaluation of each child,

  (ii) Developmentally sequential, and

  (iii) Designed to provide objectives leading to one or more occupational skills.

b. The data from the multifactored evaluation of the handicapped children and the child's IEP shall be available to and used by special education teachers in the development of the child's instructional program.

c. Periodic written reports consistent with the reporting schedule of the school district shall be provided to the parent of the handicapped child regarding the child's progress.

d. Special education teachers shall have as a full-time responsibility the instruction of handicapped children. Special education teachers may be assigned to other noninstructional school responsibilities on the same basis as the general teaching staff.

3. Program Options

a. Supplemental services

b. Individual/small group instruction

c. Special class/learning center

  (i) Teacher/pupil ratio

    (a) One special class/learning center teacher shall serve eight to sixteen children at the elementary, middle or junior high school levels, or twelve to twenty-four children at the senior high school level.

    (b) During any one instructional period, no more than twelve children at the elementary, middle or junior high school levels, or no more than sixteen children at the senior high school level shall be served.

  (ii) Age range

  The age range shall not exceed sixty months within any one instructional period.

  (iii) Housing, facilities, equipment and materials

  The items regarding housing, facilities, equipment and materials for the education of all handicapped children designated in paragraph D. 4. of rule 3301-51-03 of the

Administrative Code shall be provided for the instructional program for developmentally handicapped children. There are no additional requirements for this area of handicap.

d. Home instruction

4. Teacher Qualifications

a. An individual/small group instruction teacher shall hold an Ohio special education teacher's certificate to teach the developmentally handicapped (educable mentally retarded or moderately, severely or profoundly retarded) children.

b. A special class/learning center teacher shall hold an Ohio special education teacher's certificate to teach the developmentally handicapped (educable mentally retarded or moderately, severely or profoundly retarded) children.

G. PROGRAM FOR SPECIFIC LEARNING DISABLED CHILDREN

1. Eligibility

A child who meets the definition for specific learning disability according to paragraph FFF. of rule 3301-51-01 of the Administrative Code and the following requirements shall be eligible for special education programming and related services for specific learning disabled children.

a. Each child shall have a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas:

(i) General intelligence as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration;

(ii) Academic performance as measured through the use of standardized tests designed for individual administration which must include evaluation in the areas of:

(a) Basic reading skills,

(b) Reading comprehension,

(c) Mathematics calculation, and

(d) Mathematics reasoning;

(iii) Vision, hearing, and motor abilities;

(iv) Communicative status, which must include assessments in the areas of:

(a) Oral expression,
(b) Listening comprehension, and
(c) Written expression; and
(v) Social and emotional status.

b. Each child shall have a severe discrepancy between achievement and ability which adversely affects his or her educational performance to such a degree that special education and related services are required. The basis for making the determination shall be:

(i) Evidence of a discrepancy score of two or greater than two between intellectual ability and achievement in one or more of the following seven areas:

(a) Oral expression,
(b) Listening comprehension,
(c) Written expression,
(d) Basic reading skills,
(e) Reading comprehension,
(f) Mathematics calculation, or
(g) Mathematics reasoning.

(ii) The following formula shall be used in computing the discrepancy score:

(a) From:

(i) The score obtained for the measure of intellectual ability,
(ii) Minus the mean of the measure of intellectual ability,
(iii) Divided by the standard deviation of the measure of intellectual ability;

(b) Subtract:

(i) Score obtained for the measure of achievement,
(ii) Minus the mean of the measure of achievement,
(iii) Divided by the standard deviation of the measure of achievement.

(c) The result of this computation equals the discrepancy score. If the discrepancy score is two or greater than two, a severe discrepancy exists.

(iii) Achievement is not commensurate with his or her age and ability levels in one or more of the seven areas listed in paragraph G. 1. b. (i) of this rule when there is evidence that the child has been provided learning experiences appropriate for his or her age and ability levels.

(iv) The child's severe discrepancy between achievement and ability is not primarily the result of:

(a) Vision, hearing, or motor handicap;

(b) Mental retardation;

(c) Emotional disturbance; or

(d) Environmental, cultural or economic disadvantage.

c. The academic performance in the regular classroom setting shall be observed by at least one evaluation team member other than the child's regular teacher. In the case of a child of less than school age or one who is out of school, a team member shall observe the child in an environment appropriate for a child of that age.

d. A written report shall be developed by the evaluation team for each child evaluated for a specific learning disability. Each evaluation team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion. The report must include a statement of:

(i) Whether or not the child has a specific learning disability;

(ii) The basis for making the determination;

(iii) The relevant behavior noted during the observation of the child;

(iv) The relationship of that behavior to the child's academic functioning;

(v) The educationally relevant medical findings, if any;

(vi) Whether or not there is a severe discrepancy between achievement and ability which is not correctable without special education and related services; and

(vii) The determination of the team concerning the effects of environmental, cultural or economic disadvantage.

e. In the event that the evaluation team determines that a child has a specific learning disability, even though the application of the formula for computing the discrepancy score indicates that the child does not have a discrepancy score of two or greater than two between achievement and ability,

1011

the team judgment must prevail. In this event, the team must document in the written report the following additional information:

- (i) Data obtained in the evaluation of the seven areas of educational functioning listed in paragraph G. 1. b. (i) of this rule;
- (ii) Recommendations and information obtained from the child's regular classroom teachers and parent;
- (iii) Evidence of the child's performance in the regular classroom including work samples and group test scores;
- (iv) Evidence of possible deficiencies in more than one of the seven areas of educational functioning;
- (v) Additional supportive data besides standardized test data; and
- (vi) Consideration of the child's age, particularly in the case of young children.

f. Medical consultation shall be encouraged especially when school authorities feel that there has been a change in the child's behavior or educational functioning or when new symptoms are detected.

g. The required reevaluation includes, but is not necessarily limited to, areas in paragraphs G. 1. a. to G. 1. e. of this rule.

2. Educational Program

a. An educational program shall be developed that is:

- (i) Designed to provide skills leading to independence as an adult based on the evaluation of each child.
- (ii) Developmentally sequential. and
- (iii) Designed to provide objectives leading to one or more occupational skills.

b. The data from the multifactored evaluation of the handicapped child and the child's IEP shall be available to and used by special education teachers in the development of the child's instructional program.

c. Periodic written reports consistent with the reporting schedule of the school district shall be provided to the parent of the handicapped child regarding the child's progress.

d. Special education teachers shall have as a full-time responsibility the instruction of handicapped children. Special education teachers may be assigned to other noninstructional school responsibilities on the same basis as the general teaching staff.

e. The instruction provided a child enrolled in a specific learning disabilities program shall include, but not be limited to, instruction in at least one of the areas listed below in which a deficit was identified as part of the child's multifactored evaluation:
   - (i) Oral expression,
   - (ii) Listening comprehension,
   - (iii) Written expression,
   - (iv) Basic reading skills,
   - (v) Reading comprehension,
   - (vi) Mathematic calculation, or
   - (vii) Mathematic reasoning.

3. Program Options

a. Supplemental services

b. Individual/small group instruction

c. Special class/learning center
   - (i) Teacher/pupil ratio
     - *(a)* One special class/learning center teacher shall serve eight to sixteen children at the elementary, middle or junior high school levels, or twelve to twenty-four children at the senior high school level.
     - *(b)* No more than twelve children shall be served during any one instructional period.
   - (ii) Age range
     The age range shall not exceed sixty months within any one instructional period.
   - (iii) Housing, facilities, equipment and materials
     - *(a)* The items regarding housing, facilities, equipment and materials for the education of all handicapped children designated in paragraph D. 4. of rule 3301-51-03 of the Administrative Code shall be provided for the instructional program for specific learning disabled children.
     - *(b)* The auditory, visual and manipulative instructional materials for use in serving specific learning disabled children shall include, but not be limited to,

such items as an overhead projector, movie and filmstrip projector, projection screen, audio card reader/recorder, tape player/recorder, record player, and boards for displaying visual and tactile materials.

d. Home instruction

4. **Teacher Qualifications**

   a. Until September 1, 1985, an individual/small group instruction teacher shall hold:

      (i) An Ohio special education teacher's certificate to teach children with learning disabilities and/or behavior disorders, or

      (ii) An Ohio teacher's certificate and a temporary learning disabilities and/or behavior disorders tutoring certificate.

   b. Not later than September 1, 1985, an individual/small group instruction teacher shall hold an Ohio special education teacher's certificate to teach children with learning disabilities and/or behavior disorders.

   c. A special class/learning center teacher shall hold an Ohio special education teacher's certificate to teach children with learning disabilities and/or behavior disorders.

3301-51-05 RELATED SERVICES FOR HANDICAPPED CHILDREN.

A. GENERAL

1. "Related services" means transportation and such developmental, corrective and other supportive services as are required to assist a handicapped child to benefit from special education.

2. The list of related services contained in this rule is not exhaustive and may include other developmental, corrective or supportive services, such as counseling services, recreation, school health services, and parent counseling and training, if they are required to assist a handicapped child to benefit from special education instruction.

3. A school district may arrange, by a cooperative agreement or

(ii) Organization

The supervised experience in school psychology shall be organized under guidelines approved by the Ohio Department of Education, Division of Special Education.

(iii) Multiple training center

(a) Multiple training centers for the supervised experience may be established with the approval of the Division of Special Education under paragraph M. 4. a. of this rule.

(b) There should be at least one more full-time certified school psychologist than the number of individuals assigned to the school district for the supervised experience.

(c) One certified school psychologist shall be assigned the specific responsibility for the supervised experience in school psychology and shall be given released time from other duties for these activities.

2. Housing, Facilities, Equipment and Materials

a. Suitable facilities for conducting the school psychologist's activities with children, teachers and parents shall be provided within local school buildings.

b. A private office suitable for private consultation; appropriate evaluation materials; adequate secretarial services; access to a telephone in an area where scheduling, parent contacts, and confidential conversations regarding students can be completed; and adequate office equipment and supplies shall be provided. Highly specialized materials and evaluation instruments may be shared on a multidistrict basis.

3. Qualifications

a. The school psychologist shall hold an Ohio school psychologist's certificate.

b. The supervised experience in school psychology shall be staffed by an individual who has completed all requirements for the provisional certificate in school psychology, excluding the supervised experience, and shall have a temporary certificate in child study.

N. SPEECH AND LANGUAGE SERVICES

1. Speech and language services provided by a speech-language

pathologist are provided as a supplement to the child's basic educational program, either in regular education or in special education.

a. If some other special education program is being provided to the speech handicapped child, the speech and language services are considered related services.

b. If the basic educational program being provided to the speech handicapped child is regular education, the speech and language services are considered a special education program.

2. Eligibility

A child who meets the definition for speech handicapped according to paragraph GGG. of rule 3301-51-01 of the Administrative Code and the following requirements shall be eligible for special education programming and related services for speech and language handicapped children:

a. Has a multifactored evaluation that includes, but is not necessarily limited to, evaluations in the following areas:

  (i) Communicative status, and
  (ii) Hearing, and
  (iii) Educational functioning.

b. Exhibits one or more of the following disorders which has an adverse effect upon the child's educational performance:

  (i) Language handicap—a child is considered to have a language handicap when a significant deviation exists between developmental norms and the child's performance in receptive and/or expressive oral language encompassing the areas of morphology, syntax, semantics and pragmatics, with or without auditory processing difficulties.

  (ii) Articulation handicap—a child is considered to have an articulation handicap when his or her speech contains consistent misarticulations, additions, substitutions, distortions, or omissions of one or more phonemes. The results of a norm referenced standardized prognostic evaluation instrument must be considered for a child below eight years of age prior to determining eligibility for services.

  (iii) Fluency handicap—a child is considered to have a fluency handicap when the flow of speech is interrupted by repetitions or prolongations of sound, syllable, word or articulatory posture and the disruptions evoke negative reactions from the speaker and/or listener.

(iv) Voice handicap—a child is considered to have a voice handicap when he or she exhibits difficulties in the areas of pitch, quality and/or loudness not appropriate to the child's age or sex.

c. Medical consultation shall be encouraged especially when school authorities believe that there has been a change in the child's behavior or educational functioning, or when new symptoms have been detected.

d. The required reevaluation includes, but is not necessarily limited to, the areas in paragraph N. 2. a. of this rule.

3. Definition of Services

a. The services of the speech-language pathologist shall include:

(i) Identification of children with speech and language handicaps;

(ii) Diagnosis and appraisal of specific speech and/or language handicaps;

(iii) Referral for medical or other professional attention necessary for the habilitation of speech or language handicaps;

(iv) Provision of speech and language services for the habilitation or prevention of communicative handicaps; and

(v) Provision of counseling and guidance of parents, children and teachers regarding speech and language handicaps.

b. The services of the speech-language pathologist may include:

(i) Assisting in the development of curriculum guides and local policies as related to speech and language handicaps;

(ii) Serving as a consultant to classroom teachers; and

(iii) Providing inservice for school and community related to speech and language handicaps.

c. The data from the multifactored evaluation of the handicapped child and the child's IEP shall reflect the involvement of the speech-language pathologist and be available to and used by the pathologist in the development of the child's remediation program.

d. Periodic written reports consistent with the reporting schedule of the school district or other educational agency of attendance shall be provided to the parent of the handicapped child regarding the child's progress.

e. A minimum of one-half to one full day per week shall be allocated for diagnostic testing and classroom observation; coordination of the program; parent, staff and agency conferences concerning individual children; staff development activities; and follow-up.

f. At any one time, the caseload for a speech-language pathologist shall be at a minimum of thirty children and should not exceed eighty speech handicapped children who have been provided remedial sessions. In order to meet the minimum case load requirement of thirty:

  (i) A minimum of one remedial session per child per week must be provided during each week that the school is legally in session, and

  (ii) A remedial session shall be a period of not less than twenty minutes nor more than one hour.

g. Speech and language services may be provided:

  (i) To students in their classrooms, with the speech-language pathologist serving as a consultant to the classroom teacher; or

  (ii) To students, in an appropriate facility, individually or in groups up to ten at any one time, providing that the IEP of each child indicates that the same instructional program will meet the needs of all of the children within the group.

h. The scheduling of children for services shall be determined in consultation with the speech-language pathologist.

4. Housing, Facilities, Equipment and Materials

a. Speech and language services shall be provided in a quiet room that is adequately heated, lighted and ventilated. An electrical outlet shall be provided in each center. The speech-language pathologist shall have the exclusive use of the center during his or her scheduled time at the center.

b. Each center shall be equipped with a table and a sufficient number of student chairs, a teacher's chair, a bulletin board, a permanent or portable chalk board, and a large mirror mounted so that the speech-language pathologist and children may sit before it.

c. School districts shall make available one portable individual pure tone audiometer for the use of each speech-language pathologist. The audiometer shall be checked annually and shall be calibrated at least once every three years in accordance with current minimum audiological standards.

d. School districts shall make available one portable tape recorder and a supply of tapes for the use of each speech-language pathologist.

e. School districts shall make available one portable auditory training unit, or a similar instrument, for the use of each speech-language pathologist.

f. School districts shall make available a file cabinet with lock and key for the records of the speech-language pathologist.

g. Provision shall be made for the maintenance and prompt repair of all special equipment utilized for speech handicapped children.

h. A variety of multilevel and multimedia learning materials shall be available for use to meet the individual interests, learning abilities, and needs of the children enrolled in the program.

i. The speech-language pathologist shall be provided secretarial assistance and shall have access to a telephone in an area where scheduling, parent contacts, and confidential conversation regarding children can be completed.

5. Qualifications

The speech-language pathologist shall hold an Ohio special education teacher's certificate for speech and hearing therapy.

O. SUPERVISORY SERVICES

1. Definition of Services

The district shall provide supervisory services to all personnel involved in the delivery of special education. These services shall include, but not necessarily be limited to:

32. Oklahoma

POLICIES AND PROCEDURES MANUAL

FOR

SPECIAL EDUCATION

IN

OKLAHOMA

Special Education Section
Oklahoma State Department of Education
Dr. Leslie Fisher, State Superintendent

1982

1021

C. Category Definitions, State Regulations and Class Size

Definitions of "Handicapped Children"*. The terms used are defined as:

1. "Deaf" means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

2. "Deaf-Blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children.

3. "Hard-of-Hearing" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance but which is not included under the definition of "deaf" in this section.

4. "Mentally Retarded" means significantly subaverage general deficits in adaptive behavior and manifested during the development period, which adversely affects a child's educational performance.

5. "Multihandicapped" means concomitant impairments (such as mentally retarded-blind, mentally retarded-orthopedically impaired, etc.), the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children.

6. "Orthopedically Impaired" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g. clubfoot, absence of some member, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns which cause contractures).

7. "Other Health Impaired" means having an autistic condition which is manifested by severe communication and other developmental and educational problems; or having limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis,

rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance.

8. "Seriously Emotionally Disturbed" is defined as follows:

   (1) The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:

      a. an inability to learn which cannot be explained by intellectual, sensory, or health factors;

      b. an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

      c. inappropriate types of behavior or feelings under normal circumstances;

      d. a general pervasive mood of unhappiness or depression; or

      e. a tendency to develop physical symptoms or fears associated with personal or school problems.

   (2) The term includes children who are schizophrenic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.

9. "Specific Learning Disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, emotional disturbance, or of environmental, cultural, or economic disadvantage.

10. "Speech Impaired" means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's educational performance.

11. "Visually Handicapped" means a visual impairment which, even with correction, adversely affects a child's educational performance.

12. "Visiting Counselor" means a liason person between the home, school and community agencies. The counselor must hold a valid Oklahoma Visiting Counselor's Certificate. It is recommended that minimum case loads for program approval are as follows: Full time program 250 and part time in proportion. At the end of each year, a summary of the visiting counselor's statistical reports shall be made and sent to the Special Education Section. Forms will be provided for this.

*(From Federal Register, Tuesday, August 23, 1977, handicapped Children 121a.5)

D. General Information

Self-Contained Programs Defined:

Self-contained programs are composed of those students who, because of their severe handicaps, require their basic academic instruction from special education teachers. These students will be out of special classes no more than two school hours per day for activities such as: P.E., Music, Art, etc. Teacher class loads will depend on the category (See Pg. 35, 36)

Laboratory, Resource Room or Itinerant Teacher Programs Defined:

These programs are for those students with less severe handicaps who need special education services, but can function in three or more regular classes. These students will be with a special education teacher no more than three school hours per day. Time spent within the special program will be determined by individual needs. Teacher case loads for Educable Mentally Handicapped, Emotionally Disturbed and Learning Disability laboratory, resource room, or itinerant teacher programs are not to exceed 25 different students. In addition, they are not to have more than 10 students in their rooms at any one time.

Program Adjustments:

The maximum number in a program should be modified downward if the class contains several age or grade levels, or if the program contains several children with severe problems. Placement of handicapped children into self-contained classes is the least desirable approach to providing for their needs. They should be integrated into regular classes and school programs whenever it is possible for them to be successful by such placement.

Classes will be considered self-contained or lab (resource) depending on the needs of the majority of the students. (Note: In a lab class, one or two children could be with the special teacher more than 3 hours. In a self-contained class, one or two children could be in regular classes more than 2 hours).

Other Programs:

Coordinators, psychometrists, psychologists, or other professional persons holding appropriate special education certificates are reimbursable as special education teaching units if they are assigned to work full-time with exceptional children or with teachers of exceptional children; however, annual end of school year reports shall be required to support the need for the continuation of these programs.

Home-Based Programs:

For a special education child of legal age, (4-21, mildly or moderately handicapped) unable to participate in a full day program, said child shall be counted for full average daily attendance for State Aid, providing established procedures have been followed in (1) evaluation; (2) eligibility determination, and (3) development and implementation of an appropriate Individualized Education Program (IEP). The IEP must specify the amount of instructional time to be provided said child and the attendance for said child shall be entered in the appropriate register by the local school.

Indirect Services:

If handicapped children can best be served by placement in regular classes with an IEP, there must be a special education person certified in the category of the child's disability responsible for that child's education. This person will not teach the child but will be involved

1025

PROGRAMS OR CLASSES

CLASS TYPE	EVALUATION	ELIGIBILITY STANDARDS*	CLASS SIZE**	AGE***
Blind and Visually Impaired	**Ophthalmological**	**20/70 Vision or less or visual impairment which even with best correction adversely affects performance in a regular class**	**3-10**	**0-21**
Deaf-Blind	**Audiological Ophthalmological Educational**	**Functional impairment in both hearing and vision so severe that they cannot be served in classes solely for deaf or blind**	**3-10**	**0-21**
Deaf/Hard-of-Hearing	**Individual Audiological**	**40 minimum decibel loss or hearing impairment which even with best correction adversely affect performance in a regular class**	**3-15**	**0-21**
Multihandicapped	**Psychological Developmental Educational**	**Two or more impairments so severe that they cannot be served in programs solely for one of the impairments**	**3-10**	**0-21**
Mentally Retarded	Psychological Educational Developmental Adaptive Behavior			
Educable		I.Q. 50-75	Self-Contained 3-15 Lab 3-25	4-21
Trainable		I.Q. 30-50	3-10	0-21
Orthopedically Impaired (Physically Handicapped)	Medical Psychological Educational	Physically handicapped to the extent of needing special education	3-15	0-21

PROGRAMS OR CLASSES

CLASS TYPE	EVALUATION	ELIGIBILITY STANDARDS*	CLASS SIZE**	AGE***
Other Health Impaired	Medical Others as needed	Chronic or acute health problems which adversely affect child's educational performance	3-10	0-21
Seriously Emotionally Disturbed	Psychological--by psychologist or psychiatrist	Emotional problems preventing adjustment in regular class	Self-Contained 3-10 Lab 3-25	4-21
Learning Disabilities	Educational Psychological Neurological Multi-disciplinary team *Eligibility Regulations See Form 4	Severe discrepancy between achievement and intellectual ability	Self-Contained 3-10 Lab 3-25	4-21
Speech Impaired	Screening/diagnostic process and teacher recommendation	Indication of dysfunction in communication ability	50-75	0-21
Visiting Counselor	Need of student (Poor social/emotional adjustment)	Social and emotional problems. Need for liason person for home, school and community	Case Load 250	4-21
Homebound	Psychological	Emotionally Disturbed	3 one-hour periods a week	6-21
	Physician's Statement	Physically Handicapped		
	Physician's Statement	Pregnant Girls		
Itinerant Teacher Direct Services Home Based	Psychological Educational Developmental Medical	Needs of Individual Handicapped Child	3-25	0-21
Indirect Services			Reasonable pupil load (Suggested 3-40)	0-21

*Following the law, all eligibility placement will be done by a team. Individual needs and appropriateness must be considered.

**Under regulations concerning modified programs, changes can be made with approval from the Special Education Section.

***Severely handicapped children may begin receiving special education services at birth. These children are operationally defined as those functioning 50% or more below normal expectancy for their age.

33. Oregon

Oregon

OREGON ADMINISTRATIVE RULES

DEPARTMENT OF EDUCATION

CHAPTER 581

Table of Contents

DIVISION 1
PROCEDURAL RULES

DIVISION 15
SPECIAL EDUCATION

581-15-005 Definitions
581-15-015 Standards for Home, Hospital, Institutional or Other Regularly Scheduled Instruction
581-15-030 Payment of Room and Board in Lieu of Transportation
581-15-033 Provision of Special Education Required
581-15-035 Criteria for Approving School District Special Education Programs
581-15-037 Identification, Location, Evaluation and Census of Handicapped Children
581-15-039 Parental Consent
581-15-041 Special Education Facilities
581-15-043 Equipment and Supplies
581-15-046 State Reimbursable Costs
581-15-049 Recovery of Funds for Misclassified Children
581-15-051 Minimum Eligibility Criteria
581-15-055 Confidentiality of Handicapped Children's Records
581-15-057 Advanced Payment to School Districts for Special Education Programs
581-15-059 Requirement for Least Restrictive Environment
581-15-060 Alternative Placements and Supplementary Services
581-15-061 Placement of the Child
581-15-062 Nonacademic Settings
581-15-064 Effective Dates of Individualized Education Program
581-15-065 Meetings to Develop Individualized Education Program
581-15-066 Participants in Meetings
581-15-067 Parental Participation
581-15-068 Content of Individual Education Program
581-15-069 Accountability Under Individualized Education Programs
581-15-071 Evaluation Required
581-15-072 Evaluation Procedures
581-15-073 Interpretation and Placement
581-15-074 Frequency of Evaluation
581-15-075 Prior Notice Required for Identification, Evaluation, or Placement
581-15-080 Notice of Hearing and Hearing Rights
581-15-081 When Hearing May be Requested
581-15-084 Failure to Appear at a Hearing
581-15-085 Subpoenas and Depositions
581-15-086 Conduct of Hearing
581-15-087 Evidence
581-15-089 Decision of Hearing Officer
581-15-091 Informal Disposition
581-15-092 Right to Record of Hearing
581-15-094 Independent Educational Evaluation
581-15-096 Criteria for Impartial Hearings Officers
581-15-099 Surrogate Parents
581-15-100 Special Education for Pregnant Individuals
581-15-105 Administrative Review of Local District Hearing Decision

DIVISION 15

SPECIAL EDUCATION

[ED. NOTE: The following Administrative Orders relating to Special Education were previously adopted by the Department of Education: IEB 3, filed 3-30-59; IEB 22 and 23, filed 1-19-60.]

Definitions

581-15-005 The following definitions apply to Oregon Administrative Rules 581-15-015 through 581-15-201, unless the context requires otherwise:

(1) "Consent" means that:

(a) The parent has been fully informed of all information relevant to the activity for which consent is sought, in the parent's native language or other mode of communication;

(b) The parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent describes the activity and lists the records (if any) which will be released and to whom, and

(c) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

(2) "Decision" means the decision of the hearing officer which shall be final, unless reviewed by the State Superintendent of Public Instruction.

(3) "Determination" means the determination by the school district concerning the identification, preplacement or annual evaluation, individualized educational plan or placement of a handicapped child in a program paid for by the district.

(4) "Evaluation" means procedures used to ascertain the aptitude and achievement of the child, as well as to determine whether a child is handicapped, and the nature and extent of the special education that the child needs. The term refers to procedures used selectively with an individual child and does not include basic tests administered to or procedures used with all children in school, grade, or class.

(5) "Handicapped children" includes children who require special education in order to obtain the education of which they are capable, because of mental, physical, emotional or learning problems. These groups include, but are not limited to those categories that traditionally have been designated: mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, children with specific learning disabilities, and individuals who are pregnant:

(a) "Deaf" means a hearing impairment which is so severe that the child's hearing, with amplified sound, is nonfunctional for the purposes of educational performance.

(b) "Deaf-blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that the child cannot be accommodated in special education programs designed solely for deaf or blind children.

(c) "Hard of hearing" means a hearing condition, which is functional with or without amplified sound, and adversely affects a child's educational performance.

(d) "Mental retardation" refers to significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period:

(A) Educable mentally retarded means a child:

(i) Who has mild retardation,

(ii) Whose intelligence test score ranges between 2 and 3 standard deviations below the norm on a standardized individual test, and

(iii) Who fully meets eligibility criteria under OAR 581-15-051(7).

The approved cost of special education programs for educable mentally retarded children will be reimbursed from the Oregon Department of Education under provisions of OAR 581-15-046.

(B) Trainable mentally retarded means a child:

(i) Who has a moderate, severe, or profound level of mental retardation,

(ii) Whose intelligence test score is 3 standard deviations below the mean on a standardized individual test, and

(iii) Who fully meets eligibility criteria under OAR 581-15-051(7).

The approved excess cost of special education programs for trainable retarded children will be reimbursed from the Oregon Mental Health Division under provisions of ORS 430.780.

(e) "Multihandicapped" means concomitant impairments (such as mentally retarded-blind, mentally retarded-orthopedically impaired), the combination of which causes such severe educational problems that the child cannot be accommodated in special education programs solely for one of the impairments. The term does not include children who are deaf-blind.

(f) "Orthopedically impaired" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot or absence of some member), impairments caused by disease (e.g., poliomyelitis or bone tuberculosis) and impairments from other causes (e.g., fractures or burns which cause contractures, amputation or cerebral palsy).

(g) "Other health impaired" means limited strength, vitality, or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, which adversely affects a child's educational performance.

(h) "Seriously emotionally disturbed" means an emotional problem which affects a child's educational performance to the extent that the child cannot make satisfactory progress in the regular school program. The seriously emotionally disturbed child exhibits one or more of the following characteristics over an extended period of time and to a marked degree:

(A) An inability to learn at a rate commensurate with the child's intellectual, sensory-motor, and physical development;

(B) An inability to establish or maintain satisfactory interpersonal relationships with peers, parents, or teachers;

(C) Inappropriate types of behavior or feelings under normal circumstances;

(D) A variety of excessive behaviors ranging from hyperactive, impulsive responses to depression and withdrawal; or

(E) A tendency to develop physical symptoms, pains, or fears associated with personal, social, or school problems.

(i) "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. Children with a specific learning disability are unable to profit from regular classroom methods and materials without special educational help, and are, or will become, extreme underachievers. These deficits may be exhibited in mild to severe difficulties with perception (the ability to attach meaning to sensory stimuli), conceptualization, language, memory, motor skills, or control of attention. Specific learning disability includes such conditions as perceptual handicaps, brain injury, dyslexia, minimal brain dysfunction, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, mental retardation, emotional disturbance, or environmental, cultural, or economic disadvantage.

(j) "Speech impaired" means a communication disorder, such as a language impairment, stuttering, impaired articulation, or a voice impairment, which adversely affects a child's educational performance.

(k) "Visually handicapped" means a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes those children who are partially sighted or blind.

(6) "Independent educational evaluation" means an evaluation that is not conducted by the public agency responsible for the education of the child in question.

(7) "Independent educational evaluator" is a certified or licensed professional examiner who is not a regular employe of the public agency resonsible for the education of the child in question.

(8) "Individualized educational program" means an educational plan which is developed and implemented under OAR 581-15-064 through 581-15-069 for each handicapped child.

(9) "Individual having educational knowledge of the child" means the child's teacher, counselor or other person employed by the school district or other agency involved in the education or care of the child who, by professional training or skill and by acquaintance with the child, is in a position to make a professional judgment concerning the child's need for ial education.

10) "Native language" with reference to a person of ted English-speaking ability means the language normally used by that person or, in the case of a child, the language normally used by the parent of the child.

(11) "Order" has the meaning given in ORS 183.310 to 183.500.

(12) "Parent" means the parent or legal guardian, other than a state agency, of the child or the surrogate for the parent appointed pursuant to ORS 343.153.

(13) "Personally identifiable" means information that includes:

(a) The name of the child, the child's parent or other family member;

(b) The address of the child;

(c) A personal identifier, such as the child's social security number or student number; and

(d) A list of personal characteristics or other information which would make it possible to identify the child with reasonable certainty.

(14) "Private educational agency" means the educational component of those agencies listed in ORS 343.960(1) or the agency furnishing such components to the agencies listed therein, and private schools with which school districts contract for the provision of special education to handicapped children pursuant to ORS 343.221(4).

(15) "Private school" means an educational institution or agency not operated by a public agency.

(16) "Regular school year" means the time in which pupils are normally enrolled in an annual period exclusive of any distinct extra or special session, such as separate summer sessions.

(17) "Related services" includes transportation; and such opmental, corrective and other supportive services uding speech pathology and audiology, psychological ices, physical and occupational therapy, special equipment, reader service, volunteer services to enhance special educational programs, recreation, and medical and counseling services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a handicapped child to benefit from special education and includes early identification and assessment of handicapping conditions in children.

(18) "School district", as used in ORS 343.153, means a common or union high school district, an education service district or a state agency or institution that is charged with the duty or contracted with by a public agency to care for or educate, or both, children apparently eligible for special education.

(19) "Special education" means specially designed instruction to meet the unique needs of a handicapped child, including regular classroom instruction, instruction in physical education, home instruction, related services, and instruction in hospitals, institutions and special schools.

(20) "Superintendent" means the State Superintendent of Public Instruction or the designee of the State Superintendent of Public Instruction.

(21) "Surrogate parent" means an individual who acts in place of a parent in safeguarding a child's rights in the special education decision-making process when the parent is unknown, unavailable, or the child is a ward of the state, and the child is handicapped or is suspected of being handicapped:

(a) "Unknown" means the parent cannot be identified or ascertained by diligent inquiry.

(b) "Unavailable" means the public agency, after reasonable efforts, cannot discover the whereabouts of a parent.

(22) "Placement" means educational placement, not social service placement, by a state agency.

(23) "Substitute care provider" means private agency as defined in ORS 418.205(1).

Stat. Auth.: ORS Ch. 343
Hist.: 1EB 8-1978, f. & ef. 3-3-78; 1EB 35-1978, f. & ef. 10-5-78; 1EB 18-1979(Temp), f. & ef. 11-15-79; 1EB 5-1980, f. 2-22-80, ef. 2-23-80; 1EB 18-1983(Temp), f. & ef. 12-20-83

[ED. NOTE: The text of Temporary Rules is not printed in the Oregon Administrative Rules Compilation. Copies may be obtained from the adopting agency or the Secretary of State.]

Minimum Standards for Private Educational and State-Supported Private Agency Schools Serving Handicapped Children

581-15-010 [1EB 175(Temp), f. & ef. 9-25-74;
1EB 189, f. & ef. 3-6-75;
Renumbered from 581-22-100;
1EB 242, f. & ef. 8-27-76;
Repealed by 1EB 28-1978, f. & ef. 7-20-78]

Standards for Home, Hospital, Institutional or Other Regularly Scheduled Instruction

581-15-015 (1) Home, Hospital, Institutional, or Other Regularly Scheduled Instruction: School districts may provide home, hospital, institutional, or other regularly scheduled instruction to any eligible student with a mental, physical, emotional, or learning problem or to individuals who are pregnant.

(2) Reimbursement: Districts that provide home, hospital, institutional, or other regularly scheduled instruction under section (1) of this rule may apply for reimbursement under the Handicapped Child Program subject to regulations governing reimbursement for special education services.

(3) Criteria for Placement: Districts that propose to place a handicapped student, or an individual who is pregnant in a home, hospital, institutional, or other regularly scheduled program shall ensure that the following criteria are met:

(a) The student or individual who is pregnant must be enrolled as a resident student of the district;

day school year may participate in a planned summer school program

(2) Records of student daily membership for the current year showing days of classroom instruction conducted, subject to allowances for any emergency closures, shall be maintained

Stat. Auth. ORS Ch. 343
Hist. 1EB 242, f. & ef. 8-27-76

Funds and Property Not to Benefit Private Schools

581-15-196 Funds derived from Part B of the Education of the Handicapped Act as amended by Section 5 of Public Law 94-142 and property derived from those funds may not inure to the benefit of any private school.

Stat. Auth. ORS Ch. 343
Hist. 1EB 28-1978, f. & ef. 7-20-78

Student Records

581-15-200 (1) The educational program shall establish a written policy which:

(a) Contains guidelines in conformance with existing statutes for access to and dissemination of information contained in student records;

(b) Provides for the maintenance of permanent student records which include the following:

(A) Full name of student.
(B) Student's birth date.
(C) Parents'/guardians'/surrogate parents' names.
(D) Date of entry into the school.
(E) Name of the previous school attended.
(F) Description of educational program.
(G) Attendance record.
(H) Date and reason for leaving school, and
(I) Such additional information as may be prescribed by the educational program;

(c) Provides for a copy of the permanent school record to be retained in the educational program office accessible only to qualified educational staff or others approved by the Education Program Director;

(d) Provides for inspection of the student's records by his or her parent, legal guardian, or surrogate parent until such time as the rights and privileges transfer to the student;

(e) Provides for inspection, review or challenge of the student's records within forty-five days after the parent's or guardian's, or surrogate parent's request;

(f) Provides for forwarding student progress records upon receipt of notice of enrollment from another educational institution;

(g) Provides for forwarding school behavioral records upon request of the student's parent, legal guardian, or surrogate parent; and

(h) Provides for keeping permanent school records in a safe, vault or file having a minimum one-hour fire-safe rating, or for keeping duplicate permanent records in a safe depository outside the building.

(2) Student educational records shall be annually updated and maintained in the educational program office.

Stat. Auth. ORS Ch. 343
Hist. 1EB 242, f. & ef. 8-27-76

Existing Level of Instruction

581-15-201 School district provisions for serving private school handicapped children may not include the financing of any private school instruction.

Stat. Auth. ORS Ch. 343
Hist. 1EB 28-1978, f. & ef. 7-20-78

Certificated Personnel

581-15-205 (1) The educational program shall employ teachers and administrators who hold valid Oregon certificates and shall assign them in accordance with each person's certificate.

(2) The educational program shall maintain a file copy of its current year reports on certification and assignments of its instructional personnel, the documents shall include job descriptions.

(3) A certificated substitute teacher will be provided in the absence of the assigned certificated teacher.

Stat. Auth. ORS Ch. 343
Hist. 1EB 242, f. & ef. 8-27-76

Teacher Aides

581-15-210 (1) The educational program employing teacher aides shall be subject to the rules of the State Board of Education relating to teacher aides.

(2) The educational program shall prepare and maintain:

(a) Written job descriptions showing the duties to be performed and the nature of supervision given to teacher aides.

(b) Agenda of in-service programs, or other evidence showing that teacher aides have received suitable training.

Stat. Auth. ORS Ch. 343
Hist. 1EB 242, f. & ef. 8-27-76

Daily Class Size

581-15-215 (1) The educational program shall maintain pupil/teacher ratio at all instructional levels that are functional in view of the purposes of the student groupings. Pupil/teacher ratio shall be of such a nature that all enrolled pupils will have access to individualized instruction.

(2) Educational program policies shall state the lower limits of class section enrollments deemed functional in terms of efficient staff utilization, need of access to individualized instruction by the students, and the purpose and nature of particular school subjects or class groupings; and

(3) Current reports or records of actual class section enrollments shall be maintained.

(4) Supplemental educational services in the areas of language development, motor development and behavior management shall be provided as appropriate to the individual student. Records indicating provision of these services shall be maintained.

(5) The Mental Health Division, when staffing institution educational programs for mentally retarded and developmentally disabled students, shall provide sufficient certificated teachers and teacher aides to assure that all school age mildly handicapped, moderately handicapped, severely and profoundly or multiply handicapped children meet the attendance requirements as stipulated in OAR 581-15-170. The institution staffing ratios shall conform as nearly as practical to those Class Size, Composition and Teacher-Pupil ratios recommended by the National Association for Retarded Citizens in the publication, "**Policy Statements on the Education of Mentally Retarded Children**", April 1971.

[**Publications**: The publication(s) referred to or incorporated by reference in this rule are available from the office of the Department of Education.]

Stat. Auth. ORS Ch. 343
Hist. 1EB 242, f. & ef. 8-27-76

School Media Centers

581-15-220 (1) The educational program shall provide a center offering organized media services and materials consistent with its program. This center shall be located appropriately to serve the needs of the instructional program.

(2) The educational program shall maintain:

(F) Developing skills in interpersonal relations.

(G) Utilizing school and community resources;

(b) Identifying individual guidance needs in relation to Goals in OAR 581-15-305 and goals in section (1) of this rule.

(c) Specifying instructional, guidance, and counseling activities utilized in achieving guidance goals;

(d) Assigning guidance responsibilities to each school;

(e) Defining the rationale to be used for assigning teachers, counselors, or other specialists;

(f) Coordinating programs in grades kindergarten through 12;

(g) Specifying methods for program evaluation.

(2) High school educational guidance counselor ratios shall conform as nearly as practical to those recommended by the **"National Advisory Commission on Criminal Justice Standards and Goals"**, in the publications **"Corrections"**, 1973.

[**Publications**: The publication(s) referred to or incorporated by reference in this rule are available from the office of the Department of Education.]

Stat. Auth.: ORS Ch. 343
Hist.: 1EB 255, f. & ef. 12-20-76

School Guidance and Counseling

581-15-425 Each school guidance and counseling program shall by 7-1-77 be based on a written plan:

(1) Specifying goals including but not limited to those assigned in the Division program;

(2) Specifying staff assignments in accordance with the rationale in the Division program;

(3) Providing counseling assignments consistent with certification rules;

(4) Identifying instructional, guidance, and counseling activities used to achieve guidance goals.

Stat. Auth.: ORS Ch. 343
Hist.: 1EB 255, f. & ef. 12-20-76

Student Records

581-15-430 The Divison shall adopt a policy which:

(1) Conforms to statutes for access to and dissemination of information in student records.

(2) Provides for maintaining permanent student records to include:

(a) Full name of student;

(b) Student birth date;

(c) Parents' guardians' names;

(d) Date of entry into the school;

(e) Name of school previously attended;

(f) Subjects taken;

(g) Marks received and or credits earned;

(h) Attendance;

(i) Date and reason for leaving school;

(j) Such additional information as the Division may prescribe.

(3) Provides for the permanent record to be retained in a minimum one-hour fire-safe place in the school or Division office, or for keeping duplicate permanent records in a safe depository outside the building.

(4) Provides for transferring student progress records to another educational institution upon receipt of notice of enrollment.

(5) Provides for transferring behavioral records to another educational institution only upon request of the student's parents, guardian, or the student if 18 or over.

Stat. Auth.: ORS Ch. 343
Hist.: 1EB 255, f. & ef. 12-20-76

School Staff

581-15-435 (1) Only properly certificated teaching and counseling personnel, and qualified supportive staff whose names appear on State Personnel lists as a result of Civil Service examinations, shall be employed in each Division educational program. Full-time personnel to adequately administer, supervise, teach, and maintain required and elective school programs shall include but not be limited to the following personnel categories:

(a) Institution Teacher I;

(b) Institution Vocational Instruction;

(c) Assistant Principal (Institution Teacher II);

(d) Curriculum Coordinator (Institution Teacher II);

(e) Teacher Aides (particularly to assist in those areas of rate grading such as mathematics; potential danger, such as areas in science, and specialized programs such as learning laboratories in reading and mathematics);

(f) Teacher-Media Specialist, Media Aide, and Learning Laboratory Special Education Teacher;

(g) Educational Counselors; and

(h) Certificated Substitute Teachers.

(2) Personnel assignments shall conform to certification and job qualification rules.

(3) The nature of supervision given teachers or media aides shall be set forth in written guidelines.

Stat. Auth.: ORS Ch. 343
Hist.: 1EB 255, f. & ef. 12-20-76

Daily Class Size

581-15-440 (1) Each Division school shall maintain class sizes in academic education at ratios which conform as nearly as practical to the class size ratio recommended in the publication, **"Sourcebook on Prison Education"**, 1971.

(2) Each Division school shall maintain class sizes in vocational education at ratios which conform as nearly as practical to the class size ratio recommended by the **"National Advisory Commission Criminal Justice Standards and Goals"**, in its publication **"Correction"**, 1973.

(3) Division policies shall state upper limits of class section enrollments deemed functional in terms of efficient staff utilization, need of access to individualized instruction by the students, and the purpose and nature of particular school subjects or class groupings.

[**Publications**: The publication(s) referred to or incorporated by reference in this rule are available from the office of the Department of Education.]

Stat. Auth.: ORS Ch. 343
Hist.: 1EB 255, f. & ef. 12-20-76

School Media Center Libraries

581-15-445 (1) Each Division school shall provide a center offering organized media services and materials consistent with the school program and course goals and with personal needs of students. This center shall be located appropriately to serve needs of the instructional program. The center shall be designed to accommodate instruction in programs of basic research skills.

(2) Media centers shall include:

(a) A facility from which both print and nonprint materials and services are available to teachers and students; and

(b) A system of cataloguing all print and nonprint materials and procedures which permit access to the materials by teachers and students on a timely basis; and

(c) Sufficient space to accommodate the lesser of twenty-five percent of the school's student body or the students and personnel from two average size classes.

Stat. Auth.: ORS Ch. 343
Hist.: 1EB 255, f. & ef. 12-20-76

34. Pennsylvania

41.1 Definitions—The following words and phrases, used in this chapter, shall have, unless the context clearly indicates otherwise, the following meanings:

(a) Change in Educational Status—Any assignment or reassignment based on evidence that the person is exceptional, or thought to be exceptional. The following educational assignments are included: regular education, special education, no assignment or a change from one type of special education to another. Any change shall be in accordance with an Individualized Education Program.

(b) Exceptional Persons—Those persons evaluated in accordance with this chapter as being hearing impaired, mentally gifted and talented, mentally retarded, physically handicapped, learning disabled, brain damaged, speech and language impaired, socially and emotionally disturbed, visually impaired, or severely multihandicapped. These terms are further defined as follows:

(1) Brain Damage—A moderate to severe injury to the brain, as identified by a neurological examination, resulting in severe behavior and learning disorders. Persons whose behavior and learning disorders are primarily the result of visual, hearing or motor handicaps or mental retardation, emotional factors or of environmental disadvantage are not brain injured. The term brain damage does not include the condition known as minimal brain disfunction.

(2) Hearing Impaired—A hearing loss ranging from mild (hard of hearing) to profound (deaf), which interferes with the development of the communication process and results in failure to achieve full educational potential. A person shall be assigned to a program for the hearing impaired when the evaluation and Individualized Education Program indicate that such a program is appropriate, provided that the evaluation includes a report by an audiologist and otologist.

(3) Learning Disability—A deficiency in the acquisition of basic learning skills, including but not limited to, the ability to reason, think, read, write, spell or to do mathematical calculations, as identified by an educational and psychological evaluation. Persons who have learning disorders which are primarily the result of visual, hearing or other handicaps or mental retardation or emotional factors or of environmental disadvantage are not learning disabled. The term learning disability does not exclude the possibility that a learning disabled person may also exhibit such conditions as brain damage or minimal brain disfunction. A person shall be assigned to a program for the learning disabled when

COMMONWEALTH OF PENNSYLVANIA
Department of Education
Harrisburg 17126

ANNEX A
[22 PA. CODE CH 341]

STANDARDS FOR SPECIAL EDUCATION

TABLE OF CONTENTS

SEC

341.1. Definitions
341.11. Parent Initiated Identification
341.12. School District Identification
341.13. Evaluation
341.15. Individualized Education Program
341.16. Individualized Education Program Conference
341.17. Minimum Annual Review
341.18. Relation to hearing
341.21. General rule
341.22. Operating agent
341.31. Plans
341.32. Development of plans
341.33. Content of plans
341.35. Approval of plans
341.51. Organization
341.53. Grouping
341.55. Curricula
341.57. Personnel
341.58. Instructional materials, equipment and supplies
341.59. Facilities
341.71. Special education budgets

the evaluation and Individualized Education Program indicate that such a program is appropriate, provided that the evaluation clearly indicates that the person can demonstrate average or above average intellectual functioning on an appropriate intelligence measure. The evaluation shall include an assessment of specific academic strengths and weaknesses.

(4) Mentally Gifted--Outstanding intellectual and creative ability, the development of which requires special activities or services not ordinarily provided in the regular program. Persons shall be assigned to a program for the gifted when they have an IQ score of 130 or higher. A limited number of persons with IQ scores lower than 130 may be admitted to gifted programs when other educational criteria in the person's profile strongly indicated gifted ability.

(5) Mentally Retarded--Impaired mental development which adversely affects a person's educational performance. A mentally retarded person exhibits significantly impaired adaptive behavior in learning, maturation and/or social adjustment as a result of subaverage intellectual functioning. The degree of retardation and the level of social and academic functioning, not deviant behavior patterns, shall be the factors in determining the individualized program. A person shall be assigned to a program for the mentally retarded when the evaluation and Individualized Education Program indicate that such a program is appropriate, provided that no person shall be assigned to a program for the:

(i) educable mentally retarded unless his or her IQ score is lower than 80.

(ii) trainable mentally retarded unless his or her IQ score is lower than 55.

(iii) severely and profoundly mentally retarded unless his or her adaptive behavior is so severely impaired that education programming is oriented to behaviors which may be considered absolutely basic to higher levels of skilled performance. Individuals with an IQ score lower than 30 may be considered for these programs and shall be evaluated by a physician prior to assignment.

(6) Physically Handicapped—Orthopedic and/or other health impairments of sufficient magnitude to limit a person's classroom accommodation and educational performance. A person shall be assigned to a program

for the physically handicapped when the evaluation and Individualized Education Program indicate that the evaluation includes reports from a physician and a certified public school psychologist.

(7) Severely Multihandicapped--Persons who are diagosed as having two or more of the following severe handicapping conditions required for assignment to approved private schools (22 Pa. Code §171.23(F)).

(i) Blind--A visual handicap of a severe degree. Those persons in whom there is visual acuity of 20/200 or less in the better eye with correcting glasses or a peripheral field so contracted that the widest diameter of such field subtends an angular distance no greater than 20 degrees.

(ii) Brain Damage--Those persons who manifest severe behavior and learning disorders resulting from a severe insult to the brain as identified by a neurological examination.

(iii) Cerebral Palsy--Those persons with severe bilateral, symmetrical, nonprogressive paralysis resulting from developmental defects in the brain, or trauma at birth who cannot carry on independently, the normal activities of daily living.

(iv) Deaf and severely hearing impaired.

(a) Deaf--A person who has a hearing impairment which is so severe that the person does not learn primarily by the auditory channel, even with a hearing aid, and requires extensive instruction to develop communicative and learning skills. In order to meet this subclause, and evaluation of a person as deaf should include an examination by an audiologist and otologist and a separate written report about the nature and degree of the hearing impairment.

(b) Severely hearing impaired--A person who is not deaf but who displays a pure tone average of 60 decibel or more loss in both ears. In order to meet this subclause, an evaluation of a person as severely hearing impaired shall include an examination by an audiologist and otologist and a separate written report about the nature and degree of the hearing impairment and and evaluation which identifies the person's other severe handicapping conditions. For the purposes of this subparagraph severe hearing impairment will be recognized only if it exists in conjunction with another severe handicapping condition.

(v) Emotional Disturbance--Those persons who manifest a severe major affective psychosis which is characterized by a single disorder of mood, either extreme elation or depression that dominates the mental life of the person and is responsible for whatever loss of contact they may have with their environment.

(vi) Muscular Dystrophy--Those persons who manifest a severe wasting away and atrophy of the muscles whereby they become nonambulatory, lose muscle power and are unable to participate in normal activities of daily living.

(vii) Severely Mentally Retarded—Those persons whose adaptive behavior is so severely impaired that educational programming is directed to behaviors that require closely supervised simple self-help and very simple work skills requiring full dependence upon others. This term is used to describe the degree of mental retardation present when intelligence testing is lower than an IQ of 25 as measured on individual psychological tests with no consideration of the standard error of measurement permitted. Those with such adaptive behavior and measured mental ability will be considered for these programs and shall be evaluated by a physician prior to assignment.

(8) Socially and Emotionally Disturbed--A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree: an inability to learn which cannot be explained by intellectual, sensory or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms, pains or fears associated with personal or school problems. A person shall be assigned to a program for the socially and emotionally disturbed when the evaluation and Individualized Education Program indicate that such a program is appropriate, provided that the evaluation includes reports from a board-certified or approved psychiatrist. No person shall be assigned to a program for the socially and emotionally disturbed for disciplinary reasons alone. Socially and emotionally disturbed children shall be psychiatrically reevaluated every two years.

(9) Speech and Language Impaired—Communication disorders of impaired language, voice, fluency or articulation to such a degree that academic achievement is invariably affected and the condition is significantly handicapping to the affected person. A person shall be assigned to a program for the speech and language impaired when the screening by a speech clinician and the Individualized Education Program indicate that such a program is appropriate. Where appropriate, an evaluation by a certified public school psychologist or physician shall be performed.

Constant Enrollment by Organizational Patterns*

Program Category and/or Level	Itinerant	Resource Rooms	Part-Time	Full-Time
EMR Elementary	15-50	15-20	10-15	10-15
EMR Secondary	15-50	15-20	15-18	10-15
TMR Elementary	None	None	10-15	8-12
TMR Secondary	None	None	15-18	8-15
S & P Retarded	None	None	None	4-8
SED Elementary	15-50	15-20	10-15	6-12
SED Secondary	15-50	15-20	10-15	8-12
BI/LD Elementary	15-50	15-20	10-15	6-12
BI/LD Secondary	15-50	15-20	10-15	8-12
HI El./Sec.	15-50	5-15	6-10	5-8
SP&L El./Sec.	20-90**	None	None	5-8
PH El./Sec.	15-50	5-15	6-12	6-12
Detention El./Sec.	None	None	None	1-15
VH El./Sec.	15-50	5-15	8-15	5-12
Gifted Elementary	15-75	10-20	10-18	10-18
Gifted Secondary	15-75	10-20	10-18	10-18

*The teacher's register is to carry no less than the minimum CE of any pattern in the chart.

**Sessions with the child for Speech and Language:
20 students (5 sessions/student/week)
25 students (4 sessions/student/week)
45 students (2 sessions/student/week)
90 students (1 session/student/week)

(5) Based on a review of the curriculum in accordance with §341.55 of this chapter (relating to curriculum) the programs and services are educationally sound. The Department shall develop and publish guidelines which describe appropriate kinds of curricula and types of service.

(c) Disapproval. Plans which do not meet the requirements of §341.31 and 341.32 (relating to development and contents of plans) shall be disapproved. Prior to disapproval, appropriate division personnel shall discuss the plan and suggest modifications with appropriate intermediate unit and/or school district personnel.

(d) Hearing. If a plan is disapproved, the intermediate unit shall be entitled to a notice and a hearing in accordance with the Administrative Agency Law (71 P.S. §§1710.1-1710.51) and the General Rules of Administrative Practice and Procedures 1 Pa. Code, Part II.

341.51. Organization

The following organizational patterns will be approved by the Department of Education:

(a) Regular Programs. Regular programs do not qualify for special education funding but may meet the needs of certain exceptional persons.

35. Rhode Island

EDUCATION
FOR

HANDICAPPED
CHILDREN

REGULATIONS OF RHODE ISLAND
BOARD OF REGENTS FOR EDUCATION

Adopted April 20, 1977
Effective October 1, 1977
Amended August 3, 1978
Amended June 7, 1979
Amended June 26, 1980

[illegible]

Rhode Island

REGULATIONS OF THE BOARD OF REGENTS GOVERNING THE SPECIAL EDUCATION OF HANDICAPPED CHILDREN

Adopted April 20, 1977
Effective October 1, 1977
Amended August 3, 1978
Amended June 7, 1979
Amended June 26, 1980

SECTION ONE: GENERAL REGULATIONS

I Authority - Scope - Enforcement

1.0 Authority - These regulations are established pursuant to Chapter 16-24 of the General Laws of Rhode Island, 1956, as amended, and as further effected by Chapter 130 of the Public Laws of 1976. (See also 20 USC 1412 Sec. 612).

2.0 Scope - These regulations apply to the provision of educational and education-related services for handicapped children as defined in II-1.0 of this section.

3.0 Enforcement - Any community that does not comply with the provisions of these regulations in the administration of educational programs for handicapped children shall be subject to the penalty provided in Section 16-5-30 of the General Laws. Any community or state agency that does not comply with these regulations shall be subject to the penalty provided in 20 USC 1414 Sec. 614 (b) (1)(2a)(1). (See also Sec. 504 of the Rehabilitation Act of 1973.) Effective July 1, 1979, the Board of Regents shall report to the Attorney General for the purpose of enforcement, any non-compliance with these regulations as provided by Chapter 130 of the Public Laws, 1976.

II Definitions

1.0 Handicapped Children - Includes all children who are behaviorally disordered, mentally retarded, physically handicapped, (health impaired, hearing, homebound, orthopedically, speech, and visually), multi-handicapped and learning disabled as hereinafter defined. Any child so defined shall be eligible for special education upon the attainment of his/her third birthday and until such time as he/she has completed high school or reaches the age of twenty-one (21), whichever comes first.

1.1 The Behaviorally Disordered: A child who exhibits a significant and observable disorder to a marked degree over an extended period of time (as determined by the evaluation process) in one or more of the following:

1.1.1 Extreme difficulty in learning which cannot be explained by intellectual, sensory, neurophysiological, or general health factors; nor can it be attributed to ethnic or cultural differences;

1.1.2 Consistent inability in establishing or maintaining satisfactory interpersonal relationships with peers and/or teachers;

1.1.3 Constant and pronounced inappropriate or immature types of behavior or feelings under normal conditions;

1.1.4 General pervasive mood of unhappiness or depression to a marked degree and over a significant length of time;

1.1.5 Psychosomatic complaints related to personal, social or school problems;

1.1.6 The above definition should include but not be limited to disorders which are referred to as: autism, schizophrenia, neurosis, psychosis, emotional handicap and emotional disturbance.

1.2 The Mentally Retarded: A child who functions at a significantly subaverage general intellectual level while concurrently manifesting deficits in adaptive behavior during the development period, and who at the time of evaluations, obtains a score on an individually administered test in accordance with the following table of intelligence quotients:

LEVELS	*Obtained Intelligence Quotient Stanford-Binet and Cattell (Standard Deviation - 16)*	*Wechsler Scale (Standard Deviation - 15)*
MILD	68-52	69-55
MODERATE	51-36	54-40
SEVERE	35-20	39-25 (Extrapolated)
PROFOUND	19 and Below	24 and below (Extrapolated)

NOTE: The above system eliminates the "border line level of retardation (70-80 I.Q.)." Such individuals may be classified as retarded only if:

1.2.1 Intellectual functioning changes to a lower level or

1.2.2 Adaptive behavior is impaired and a clinical evaluation considers defective reasoning to be an important contributing factor.

(Excerpted from Manual on Terminology and Classification in Mental Retardation, 1973 Revision, American Association on Mental Deficiency)

1.2.3 Diagnostically, a child classified as "educable mentally retarded" under the definition in the former Rhode Island Regulations for the Education of Handicapped Children of 1963, who is not progressing academically after placement in a regular class for ninety (90) consecutive school days, shall receive appropriate special education support as determined by the evaluation team and may be placed in a self-contained, special class with the informed consent and written permission of the parent(s). This condition does not apply to children whose primary problem can be attributed to environmental disadvantage or behavior disorders.

1.3 The Orthopedically Handicapped and Health Impaired: A child of normal intelligence who is so physically handicapped through congenital or acquired defect that locomotion or bodily activity is impaired to the extent that he/she is unable to function physically with normal children of the same age and grade expectancy level and whose participation in a school program would be prevented unless he/she is afforded instruction in a special class, at home, in a hospital, or in a regular class to which special transportation is necessary and/or within which special accommodation is necessary.

1.4 The Learning Disabled: A child who has a disorder in one or more of the basic psychological processes in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculation. The term learning disability includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. It does not include children who have learning problems which are primarily the result of visual, hearing or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural or economic disadvantage.

1.5 The Hearing Disordered: A child who exhibits a loss of auditory sensitivity sufficiently severe to affect the child's ability to communicate with others.

1.5.1 Deaf children include those whose hearing impairment is so severe that they do not learn primarily by the auditory channel even with a hearing aid and need extensive special instruction to develop communication and learning skills.

1.5.2 Hard-of-hearing children include those whose hearing level for speech is adequate to allow them to acquire speech and language and learn by auditory means although they may experience difficulty, under certain circumstances, in verbal communication with or without a hearing aid or other amplification equipment.

1.6 The Speech Disordered includes the following categories:

1.6.1 Articulation Disordered: A child who exhibits defective production of phonemes (speech sounds) that interferes with ready intelligibility of speech. Types of misarticulations include: substitution of one phoneme for another, omission of phonemes in words, phonemic distortions, and inappropriate additions of phonemes.

1.6.2 Voice Disordered: A child who exhibits abnormality in pitch, loudness or quality resulting from pathological conditions or inappropriate use of the vocal mechanism that interferes with communication or produces maladjustment.

1.6.3 Fluency Disordered: A child who exhibits disruptions in the normal flow of verbal expression that occur frequently, or are markedly noticeable and are not readily controllable by the child. These disruptions occur to the degree that the child and/or his/her listeners evidence reactions to the manner of speech and the disruptions so that communication is impeded.

1.7 The Blind and Partially-Sighted: A child who exhibits visual impairment sufficiently severe to affect the child's ability to learn through the visual channel.

1.7.1 Blind children include those whose vision indicates a central visual acuity of 20/200 or less in the better eye after refraction, or whose peripheral field of vision subtends an angle no greater than 20° (degrees).

1.7.2 Partially-sighted children include those whose vision indicates a central visual acuity range from 20/70 to 20/200 in the better eye after refraction.

1.8 The Multi-Handicapped: A child who has a combination of two (2) or more handicaps (as determined by the evaluation process) who requires special education services.

1.8.1 Physically Impaired/Multi-Handicapped - A child whose physical impairment in combination with other handicapping conditions excluding moderate through profound retardation (as defined by the American Association of Mental Deficiency, 1973) produces developmental and/or behavior problems to such a degree that his/her educational needs are best met in a self-contained classroom designed and conducted for the unique needs of physically impaired/multi-handicapped children.

1.8.2 Sensory Impaired/Multi-Handicapped - A child whose sensory impairment (vision and/or hearing) in combination with other handicapping conditions excluding moderate to profound retardation (as defined by the American Association of Mental Deficiency, 1973) produces developmental and/or behavior problems to such a degree that his/her educational needs are best met in a classroom designed and conducted for the unique needs of sensory impaired/multi-handicapped children.

2.0 Free appropriate public education - as used in these regulations is defined as special education and related services which:

(a) Are provided as public expense, under public supervision and direction, and without charge.
(b) Meet the standards of the State Educational Agency and Federal laws and regulations.
(c) Include preschool, elementary school, or secondary school education.
(d) Are provided in conformity with an individualized program which meets the requirements under 4.0 of these regulations.

3.0 Special Education - is defined as specially designed instruction, at no cost to the parent, to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, vocational instruction, home instruction and instruction in hospitals and institutions.

NOTE 1) Physical education is specifically included in the Federal definition of Special Education. Since physical education is available to and required of all children, it must be an integral part of the educational program of every handicapped child. All program options available within a public agency to non-handicapped children must be available, modified if necessary, to handicapped children as well. The Individualized Educational Program (IEP) should indicate if the child may participate in the regular program or specify what modifications must be made to meet his/her unique needs.

2) Vocational education is included in the Federal definition of special education if it consists of specially designed instruction to meet the unique needs of the handicapped child. A handicapped child must have available the same opportunities to participate in vocational education as are available to a non-handicapped child, but such vocational education becomes special education only when it is specially designed to meet the unique needs of the handicapped child.

4.0 Related Services - is defined as transportation and such developmental, corrective and other supportive services as are required to assist a handicapped child to benefit from special education, and includes special individualized assistance in mathematics and remedial reading, speech pathology and audiology, psychological services, physical and occupational therapy, recreation, mobility training, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.

5.0 Educational Facilities - are defined as those buildings that meet the local building codes and standards set by the State Fire Marshal, the State Department of Health and other departments of State and Federal Government which might be appropriate to any given educational situation which house public and non-public school programs approved by the Commissioner of Education in accordance with these regulations and those designed for either nursery, elementary or secondary level schools of this State.

6.0 Individualized Educational Program (IEP) - is defined as a written program for each handicapped child, developed by a team, as prescribed hereinafter in these regulations, which shall design a special education program that will meet the unique needs of each handicapped child. Such programs shall be developed in meetings as further prescribed by these regulations.

7.0 Evaluative Services - is defined as services, materials, personnel, and procedures used in screening, identifying, assessing and developing the specific profile needed to prescribe an appropriately tailored special education program for handicapped children.

8.0 Special Education Program Continuum - is defined as alternative placement opportunities with differentiated instruction and/or supportive services which range from a least restrictive placement in a regular class with special education consultation on one end of the continuum through various combinations of programs along the continuum to placement in special education programs in agencies and institutions outside the school system at the other end of the continuum. Insofar as possible, a child shall be placed in that special education program that is least restrictive to his diagnosed disability in terms of promoting rehabilitation and return to the mainstream of education.

9.0 Class size - whenever reference is made to class size or number of pupils in a class or program, the determining number shall be based on the average daily attendance over a quarter of the year.

10.0 Parent - wherever the term parent is used in these regulations, it shall mean a parent, a guardian, a person acting as a parent of a child, or a surrogate parent who has been appointed in accordance with Section IX-12.0
(In the event that a person has reached the age of majority which is the chronological age [C.A.] of 18 in Rhode Island he/she shall be accorded all rights accorded a parent unless otherwise specified by an adjudicative process.)

11.0 Public agency - is defined as the State educational agency, local educational agencies, intermediate educational units and any other political sub-divisions of the State which are responsible for providing education to handicapped children.

12.0 Mildly, moderately, severely/profoundly handicapped.

12.1 Mildly handicapped - A child whose needs, as determined by the evaluation process are such that they can best be met in a regular class, appropriate for his/her age, supplemented by appropriate therapeutic and related services; or by part-time placement in a resource room.

12.2 Moderately Handicapped - A child whose needs, as determined by the evaluation process are such that they can best be met by special education services provided in a part-time special self-contained class in conjunction with regular class placement or in a special self-contained class or in a special education day school.

12.3 Severely/Profoundly Handicapped - A child whose needs as determined by the evaluation process are such that they can best be met by special education services provided in a special self-contained class, in a special education day school, a hospital, or a residential school program.

NOTE: While these definitions are generally applicable, determination in each individual case should be based on the evaluative process and, in each case, the least restrictive alternative shall be selected.

III Establishment of Special Education Programs

1.0 Responsibility - The school committee of each school district shall establish within its school district the special education required by these regulations and/or it shall provide for the free education of all resident handicapped children either through these programs or in other special education programs approved by the Commissioner of Education. (Whenever a responsibility is placed on a school district by these regulations it shall be the responsibility of the school committee to carry out these regulations.)

2.0 Unusual situations not specifically provided for in these regulations will be evaluated by the Commissioner of Education who shall prescribe a program designed to meet the needs of each individual case.

SECTION THREE: INSTRUCTIONAL PROGRAMS

I. **Establishment of Special Education Instructional Programs for Handicapped Children**

1.0 **Preschool Programs and School Programs**

1.1 A school district having one (1) or more preschool or school-aged handicapped children whose instructional needs, as judged by the evaluation process, can best be met in school district preschool and school programs, shall establish appropriate programs; or

1.2 A school district may use appropriate preschool and/or school programs operated by another school district or by private agencies whose preschool and/or school programs are approved by the Commissioner of Education.

2.0 Residential School Programs - A school district shall provide for the free education of a pre-school or school-aged handicapped child whose needs, as judged by the evaluation process, can best be met through enrollment of the child as a boarding or day student in a residential school approved by the Commissioner of Education. The availability of financial assistance for such placements from sources outside the local school district in no way relieves a school committee of its responsibilities under 16-24-1 of the General Laws of Rhode Island, 1956, as Amended and subsequently:

2.1 If resources are not available under the above or similar programs, the school committee must still provide a free appropriate education for all handicapped children in the community. (This includes children whose I.E.P.'s state that they must be placed in residential placements. Such placements must be at no cost to parents for the educational program and related services, non-medical care and room and board.)

2.2 If resources are available, the school department still has the responsibility for assuring that a free appropriate education is available to all handicapped children in its district. This includes initiation of and participation in the development of an I.E.P., the implementation of the I.E.P., providing procedural safeguards, etc.

II Criteria for Instructional Programs

1.0 Preschool Programs

1.1 All handicapped children (C.A. 3-6) in a preschool program shall receive an individual developmental program suited to their particular needs which shall include, but not be limited to, language development, symbol recognition, communication and socialization skills, health, perceptual and sensory motor development, art, music and physical education.

1.2 The maximum size of a special self-contained class whether part-time or full-time for mildly or moderately handicapped children shall be limited to eight (8) children if there is no teacher's aide. With a teacher's aide the maximum size allowable shall be ten (10) children. Maximum class size for severely, profoundly, and multi-handicapped children shall not exceed six (6) children and shall have assistance from a full-time teacher's aide if the number exceeds three (3).

1.3 All handicapped children in need of physical or occupational therapy shall receive such services from a physical or occupational therapist as indicated by the evaluation process. Such services shall include direct service to such children and also consultation with the classroom teacher and parent(s). Other services shall be on an as-needed basis.

1.4 Each class shall have assistance from other appropriate supportive personnel on an as-needed basis, as determined by the evaluation process.

1.5 Supportive personnel, together with the teacher and teacher aide, shall participate and consult in an ongoing evaluation process in order to continuously refine and delineate the needs of the child and the program.

2.0 School Programs

2.1 Special Classes

2.1.1 Self-contained, special classes whether part-time or full-time for mildly and moderately handicapped children shall be limited to eight (8) children unless there is a teacher's aide, in which case the maximum number allowable shall be ten (10) children. (At the senior high school level when a work placement program is being conducted whereby half of the class is involved in out-of-school work placement, there shall be a certified special education teacher in the classroom and at least one other certified special education teacher employed in the coordination and counseling of work placement activities. When half the class is on work placement, the maximum size of the class may exceed ten (10) with an aide but in no case shall it exceed a maximum of twenty (20)). Maximum class size for severely, profoundly, and multi-handicapped children shall not exceed six (6) children and shall include assistance from a full-time teacher's aide when the number exceeds three (3).

2.1.2 Severely, profoundly and multi-handicapped children shall receive supportive services from a full-time physical and/or occupational therapist at least one day per week unless otherwise indicated by the evaluation process. Such services shall include direct service to such children and also consultation with the classroom teacher and parent(s). Other services should be on an as-needed basis.

2.1.3 Placement of school age handicapped children in special classes shall not exceed a four (4) year chronological age span and shall be based on the homogeniety of disability and developmental level as such factors affect learning, behavior and mobility as determined by the evaluation process. An exception to the age span may be made based upon a documented recommendation of the Multi-Disciplinary Team and with the concurrence of the parent(s) or guardian(s) of all the children in the class where such child in question is to be placed.

2.1.4 Each handicapped child shall have ready access to materials, equipment, and other services that are customarily available to children in regular classes.

2.1.5 Each handicapped child shall have assistance from appropriate supportive personnel and on an as-needed basis as determined by the evaluation process.

2.1.6 Teachers, teacher's aides, and supportive personnel shall participate and consult in an ongoing evaluation process in order to continuously refine and delineate the needs of the child and the program.

2.1.7 Programs involving twenty (20) or more severe, profoundly and multi-handicapped children shall employ a full-time non-teaching supervisor of special education, trained in programming for severe, profound or multi-handicapped children and whose basic responsibilities shall be the overall administration and supervision of classrooms up to a maximum of no more than fifty (50) such children.

2.2 Resource Programs

2.2.1 Resource program personnel shall provide and/or participate in the following activities:

2.2.1.1 Consultation and inservice training of teachers.

2.2.1.2 Performance of differential diagnostic/educational evaluations.

2.2.1.3 Behavioral analysis.

2.2.1.4 Development of prescriptive educational programs including behavior intervention techniques.

2.2.1.5 Individual and small group tutoring.

2.2.1.6 Consultation with other professionals and parents.

2.2.2 Each such class shall have available the supportive personnel specified for each handicapped child by the evaluation process. Such class shall also serve as a transitional placement for handicapped children preparing to enter or re-enter a regular class.

2.2.3 Supportive personnel, together with the teacher and teacher's aide, shall participate and consult in an ongoing evaluation process in order to continuously refine and delineate the needs of the child and the program.

2.3 Regular Classes

2.3.1 Placement of handicapped children in the least restrictive environment shall include regular classes when determined by the evaluation process. Prior to placement of handicapped children in the regular classroom of any given school both the principal and classroom teachers shall be provided with adequate orientation to allow them to implement the child's individual education plan. This orientation shall be provided by the participation of the teachers and principal in the development of the plan and by a staffing of the plan for the teachers and principal with the placement committee. As soon as feasible after placement the principal and teacher shall participate in an appropriate, prescribed inservice program.

2.3.2 The maximum number of handicapped children placed in any regular class shall be determined by the local school district in accordance with the findings and recommendations of the evaluation process.

2.3.3 No handicapped child shall be placed in regular academic classes or subject matter areas with normal children who are more than two (2) years below the chronological age of such child unless such programs use heterogeneous grouping as a basis of meeting similar educational needs.

2.3.4 Each handicapped child placed in a regular class shall have available the supportive instructional and service personnel as determined by the evaluation process.

2.3.5 Any notable reversal in the academic progress or behavioral maturity of children in a regular class which occurs after placement of handicapped children in such class for 90 consecutive school days shall be cause for the local administrator of special education to initiate a reevaluation of such placement.

3.0 Homebound and Hospital Instructional Programs - Homebound and hospital instruction shall take place on the specific recommendation of the school district administrator of special education. Such recommendation shall be based on a physician's diagnosis and statement that the child will be absent from school for more than thirty (30) consecutive days. (Contagious diseases are excluded under the provisions of these regulations.)

3.1 Homebound instructional programs

3.1.1 The home atmosphere shall be conducive to learning. Special conditions recommended by the physician shall be observed.

3.1.2 The minimum number of hours of instruction shall be three (3) per school week at the elementary level of education and four (4) at the secondary level unless fewer hours are recommended by the physician. Dependent upon the physical condition of the child, a number of instructional hours greater than the minimum required per week is permissible.

3.1.3 A complete record of homebound teaching activities shall be maintained.

3.1.4 Homebound instruction shall be coordinated with the work of the regular class so that return to school (if this is possible) will require little readjustment, or so that the long-term instruction may approximate the regular curriculum to the highest degree possible.

3.1.5 The use of the home-to-school telephone system should be employed whenever possible. In such cases, however, a teacher should provide instruction in the child's home for at least one hour each school week.

3.1.6 Homebound children shall be provided with summer tutoring if they are unable to complete their current school year because of health reasons

3.1.7 Teachers of the homebound shall hold Rhode Island teaching certificates in the area appropriate to the health impaired and physically disabled child and/or to such child's primary handicapping condition

3.1.8 School districts shall not use home tutoring programs as a substitute for in-school programs nor as a means of excluding handicapped children from in-school programs

3.2 Hospital Programs

3.2.1 Hospital special education instructional programs shall meet the same criteria as that specified for homebound instructional programs when dealing with acute medical problems. In addition, private and state hospitals wishing to establish their own in-patient educational programs or out-patient instructional programs must be approved by the Commissioner of Education before they may operate such programs in Rhode Island and shall follow the same procedure and criteria for approval as outlined for non-public schools

3.2.2 Certification of Hospital Teaching Personnel

3.2.2.1 All teachers employed in hospital programs shall be trained and certified to provide special education in the area of basic disability for which the hospital program is established

3.2.2.2 If a general hospital, organized to provide educational programs to children with normal intelligence who are physically disabled or health impaired, should receive children who have additional handicaps then such children shall receive the educational services prescribed by the public school evaluation process in a manner that will allow such services to be tailored to the child's current medical condition and the uniqueness of the hospital environment.

4.0 State Operated and Non-Public Day and Residential Programs for Handicapped Children.

4.1 All special education programs in any state operated and non-public day or residential school shall meet the same criteria as those established for public school programs including the employment of appropriately certified personnel.

4.2 State operated and non-public day or residential schools shall provide all needed special education and related services for each handicapped child enrolled in accordance with the evaluation process. Teacher/pupil ratios shall conform to those established for public school special education programs. Additionally, needed specialists such as psychologists, speech/language pathologists, social workers, and guidance counselors shall work with a case load that is determined to be appropriate to service the needs of the children enrolled, but which in no case shall exceed a maximum case load of eighty (80) children. Case load for physical/occupational therapists shall not exceed thirty (30) children.

4.3 Monitoring of a handicapped child's progress in non-public or residential schools shall be conducted by the Special Education Administrator or his designee, trained in the child's problem area, who shall be from the school district where the child resides

NOTE: Special Education Programs for handicapped children in State Operated Schools shall be monitored by the State Department of Education.

4.4 All programs involving twenty-five (25) or more children in average daily attendance shall employ a full-time, non-teaching principal who shall be certified as a supervisor of special education, whose basic responsibilities shall be the overall administration and supervision of classrooms. Programs having less than twenty-five (25) students enrolled shall employ a part-time consulting supervisor who is certified as a supervisor of special education, provided, however, that the services of such consulting supervisor be performed during the hours that the school is in session.

4.5 Each non-public day and residential school shall use and have available for inspection written administrative and program procedures that encompass the following.

- 4.5.1 Provision for emergency and early termination of students including prior consultation with the administrator of special education in the community of the child's residence in order to provide for an orderly transfer of responsibility back to such supervisor.
- 4.5.2 Provision of procedural safeguards which cover the same areas mandated for public schools.
- 4.5.3 Provision for a written, individual educational plan for each child enrolled in the school. Such plan is to be developed in concert with the child's parent(s), school staff and the administrator of special education in the child's community. These plans are to be used for each child in every area of his/her total program and are to be readily available for inspection. Such programs shall be evaluated at least annually and changed appropriately as specified for public schools.
- 4.5.4 Provision for parent involvement including parent education and counseling.
- 4.5.5 Provision for staff training.
- 4.5.6 Provision of measures which protect all children from exposure to humiliation or verbal abuse or any form of corporal punishment that could be construed as cruel or severe.
- 4.5.7 Provision for ongoing team evaluations that periodically review the progress of each child relative to stated goals and objectives of the written individual education plan.
- 4.5.8 Provision of written reports on each child which are to be mailed to the child's parent(s) and the administration of special education in the child's community at least semi-annually.
- 4.5.9 Provision of physical facilities which meet the standards set for public schools and which are in compliance with the State Fire Code, and standards set by the Department of Health and the local building inspector.
- 4.5.10 Provision for the safe-keeping and confidential treatment of records on all children as prescribed by law including parental permission for the release of any such information to parties other than said parents.
- 4.5.11 Provision of a statement of financial stability (a balance sheet) which shows sufficient assets to establish and maintain a satisfactory program of education on a continuing basis. The owner(s) of such school(s), whether for initial approval or renewal of approval, shall also furnish statements of income and retained earnings and changes in financial position. Such statements shall include in a clearly identifiable manner, records of receipts and expenditures, personnel salaries and tuition, and average per pupil costs. All statements shall be prepared by a Public Accountant or Certified Public Accountant, but need not be certified by him or supported by an audit. The statements shall be accompanied by a notarized statement by the owner(s) or the director that the financial statements are true and correct, and shall identify the name of the Public Accountant or Certified Public Accountant who prepared the statements

SECTION FOUR: SUPPORTIVE SERVICES

I. Establishment of supportive service programs

1.0 Responsibility - Supportive services shall be made available to handicapped children under the arrangements specified in Section One, III, 1.0

2.0 Supportive services to handicapped children shall include:

2.1 Psychological services - specific responsibilities

2.1.1 Administering psychological assessments and interpretation of those findings in regard to further referral for other types of assessments or to the recommendation of appropriate services and approaches which will be beneficial to the handicapped child's educational program.

2.1.2 Providing individual and group counseling and/or other psychological remedial measures appropriate to the needs of handicapped children. Any aversive techniques used in therapy or behavior modification programs shall be employed only on the written recommendation of a psychiatrist in concert with the evaluation team and shall be closely supervised by the psychologist involved with the child. Measures shall also be provided which protect all children from exposure to humiliation or verbal abuse or any form of corporal punishment that could be contrued as cruel or severe.

2.2 Social Work Services - Specific Responsibilities

2.2.1 Provide social case history assessments on children when required by the evaluation process.

2.2.2 Provide social casework services to handicapped children and/or their families when indicated by the evaluation process. This may include but not be limited to individual and/or group counseling.

2.2.3 Provide social work services to parent(s) of handicapped children in terms of liaison between home, school and the community.

2.3 Occupational therapy services - specific responsibilities

2.3.1 Provide occupational and self-help assessments when required by the evaluation process.

2.3.2 Provide direct occupational therapy services to handicapped children as required by the child's educational plan.

2.4 Physical therapy services - specific responsibilities:

2.4.1 Provide physical therapy assessment when required by the evaluation process.

2.4.2 Provide direct physical therapy services to handicapped children as required by the child's educational plan.

2.5 Speech, language, and hearing services - specific responsibilities:

2.5.1 Provide speech and hearing screening services in accordance with the rules and regulations governing school health programs in effect at the time of such service.

2.5.2 Provide speech, language and hearing evaluative and/or therapeutic services as specified in the evaluation process.

2.5.3 Provide annual re-assessment of all handicapped children who have speech, language or hearing disorders:

2.5.3.1 Speech and language disorders shall be re-evaluated by the speech/language pathologist in charge of the child's therapeutic program.

2.5.3.2 In the case of a hearing disorder, the re-assessment shall be done by an otologist and an audiologist.

2.6 Other supportive services

36. Tennessee

STATE OF
TENNESSEE

Rules, Regulations,
and
Minimum Standards
for the
Governance
of
Public Schools
in the
State of Tennessee

State
Board
of
Education

State
Board
for
Vocational
Education

Nashville
Tennessee
37219

0520-1-3-.04 ADMINISTRATION OF SCHOOLS—REQUIREMENT C

(1) TEACHER ASSIGNMENT

(a) Teaching Load

1. Teachers shall be on duty at least 7 clock hours per day and such additional time as the administrative organization requires.

2. Responsibilities included in the kindergarten teacher's day shall be instruction, home visits, parent conferences, curriculum planning, and record keeping.

3. Pupils shall be distributed as equally as practicable among all teachers.

4. If classes are organized on the basis of 45 minute periods in grades 7 through 12, or any combination of these grades, no teacher shall teach more than 7 periods daily. Likewise, if classes are organized on the basis of one-hour periods, no teacher shall be permitted to teach more than six one-hour periods daily. Each teacher shall assume the responsibility for such other school activities as may be assigned.

(b) Teacher-pupil Ratio

1. In grades kindergarten through 12, maximum membership of any class shall not exceed:

    (i) Kindergarten—25 pupils

    (ii) Grades 1 through 3—25 pupils

    (iii) Grade 4—28 pupils

    (iv) Grades 5 through 6—30 pupils

    (v) Grades 7 through 12—35 pupils

2. Class size limits may be exceeded in such areas as typewriting, instrumental, and vocal music classes provided that the effectiveness of the instructional program in these areas is not impaired. The physical education class size shall not exceed 35 unless requested by the local school system as a hardship case and approved by the Commissioner of Education.

Note: This regulation should not be interpreted to prohibit ungraded classes, team teaching, individualized instruction, or other such programs designed to meet student needs, if the teacher's weekly pupil load is compatible with the above regulation.

3. The maximum average daily membership for any full-time vocational teacher shall not exceed 23. In no case shall any single vocational class membership exceed 28 nor shall the average daily membership for the teacher exceed 23.

(2) PUPIL LOAD—In grades 9 through 12, the number of credits a pupil may earn during one school year shall be governed by the ability of the pupil, faculty recommendations, administrative organization, and approval of the principal.

(3) ORGANIZATION OF SCHOOL

(a) Principal—Each school shall have a principal. Those elementary schools having an average FTEADA for the highest two months of the first three months (current year) of 375 students shall have a full-time supervising principal. (For employment responsibilities and duties of public school principals, see T.C.A. 49-253 and 49-254.)

(b) ADMISSION AND ENROLLMENT OF PUPILS

Sept 30

Sept 30

1. A child entering kindergarten shall be no less than five years of age on or before October 31 of the current school term. Any child residing within the state, six years of age on or before October 31 of the current school year, making application for admission, shall be enrolled in the public school designated by the city, county, or special district board of education having appropriate jurisdiction. (T.C.A. 49-1701 and 49-1702)

2. Any transfer pupil, legally enrolled as a first grade pupil in another state, who will be six years of age no later than December 31 of the current school year, making application for admission, shall be enrolled in the public school designated by the local board of education having appropriate jurisdiction. (T.C.A. 49-1701 and 49-1702)

3. Any child legally enrolled in an approved kindergarten in another state during the preceding school year and who could have enrolled in the first grade in that state in the current school year, making application for admission, shall be enrolled in the first grade in the public school designated by the local board of education having appropriate jurisdiction, provided he is six years of age by December 31 of the current school year. (T.C.A. 49-1701 and 49-1702)

4. Compulsory attendance shall not be required at any kindergarten in the state. (T.C.A. 49-2306)

5. A child entering a special education program shall be no less than four years of age (three years of age for deaf) on or before October 31 of the current year.

(c) PUPILS TRANSFERRING FROM ONE SCHOOL TO ANOTHER

1. Principals shall carefully examine all applications for credit for work transferred from other schools, both in-state and out-of-state schools, and shall allow such credit only when substantiated by official transcripts provided that pupils transferring from schools which are not approved by the Tennessee State Board of Education or by the comparable agencies shall be allowed credit only when they have passed comprehensive written examinations approved, administered, and graded by the principal or his designated representative.

The census shall show the name, age, sex, and type of exceptionality of each child counted. (T.C.A. 49-2935)

(4) Specific Requirements for Implementation

(a) Use appropriate identification procedure to determine eligibility of children for special education, corrective, and supportive services

1. Definition of Handicapped Children—"Handicapped children" means those children 4 through 21 years of age and three-year-old deaf who have been certified under regulations of the State Board of Education by a specialist or specialists as being unsuited for enrollment in regular classes of the public schools or who are unable to be educated or trained adequately in such regular programs without the provision of special classes, instruction, facilities, or related services, or a combination thereof. This term includes the educable, trainable, and profoundly retarded; the speech and/or language impaired, the deaf and hearing impaired; the blind and visually limited, the physically handicapped and/or other health impairments including homebound and hospitalized; the learning disabled including perceptually handicapped and emotionally conflicted, the multiple handicapped; and the intellectually gifted; and any other child whose needs and abilities cannot be served in a regular classroom setting. (T.C.A. 49-2914A)

2. General Eligibility Standards

(i) Eligibility of a child for special education services shall be determined on the basis of educational, social, and psychological evaluations, and/or medical diagnosis and information. A child must be certified by an appropriate specialist as having a disability; he must be verified by a multidisciplinary team (M-Team) as having a need for special services; and he must have a written individual education program (I.E.P.) which includes documentation of decisions reached about annual goals, short-term instructional objectives, content, implementation and evaluation.

(ii) "Certified" means that an appropriate specialist, as designated for each of the categories of handicapping conditions, has confirmed that a child has a disability.

(iii) "Verified" means that a child has had an individual assessment, has been certified as having a disability, has been determined to need special education services by the M-Team and an individualized education program has been developed.

(iv) "Reevaluation" means a recertification of handicapping condition(s) of the child at least every three (3) years. The verification process should follow.

(v) "Multidisciplinary Team" (M-Team) means a minimum of the following participants: A person, other than the child's teacher, who is qualified to provide or supervise the provision of the service, at least one of the child's teachers, one or both of the child's parents, and the child, when appropriate, and other individuals at the discretion of the parents or agency. In an initial evaluation, a member of the evaluation team or a person who is knowledgeable about the evaluation procedures, the child, and the evaluation results must participate in the meeting. The team members examine and evaluate all the data and develop an individual educational program (I.E.P.) including all the required components.

3. Specific Eligibility Standards—Certification that a child is handicapped shall be based upon the following definition and criteria according to handicapping conditions:

(i) Mentally Retarded

(I) Definition—A child who has or develops a continuing handicap in intellectual functioning and adaptive behavior which significantly impairs the ability to think and/or act and the ability to relate to and cope with the environment, is considered mentally retarded.

(II) Criteria for Certification—A child must meet all of the following:

I. Significantly impaired intellectual functioning, which is more than two (2) standard deviations below the mean of normal distribution.

II. Significantly impaired adaptive behavior in the home or community.

III. Significantly impaired adaptive behavior in the school, day care center, or residential program.

(III) Evaluation Procedures:

I. Intellectual functioning will be determined by scores on an appropriate individual standardized instrument designed to measure intellectual functioning or, if that procedure is impractical, a developmental scale will be utilized.

II. Adaptive behavior in the home or community as determined by:

A. Scores on an appropriate individual standardized instrument to be completed with the child's principal caretaker and/or

B. Systematic documented observations, impressions and developmental history by an appropriate specialist in conjunction with the principal caretaker in the home, community, residential program or institutional setting.

III. Adaptive behavior in the school, day care center, residence, or program will be determined by the following:

A. Systematic documented observations by an appropriate specialist which compare the child with other children of his/her age group, and when feasible

B. Scores on an appropriate individual standardized instrument to be completed with the principal teacher of the child or the child.

(IV) Certification by Specialist(s)—Mental Retardation shall be certified by a certified school psychologist, a licensed psychologist, or psychological examiner whose area of competency includes evaluation of mental retardation. This specialist will be responsible for the administration and interpretation of the individual measures of intellectual functioning. The measures of adaptive behavior and systematic observations can be conducted by an appropriately trained specialist such as a teacher, guidance counselor, social worker, psychological examiner, or psychologist. In the event of contradictory data, the certifying specialist will determine which data reflect the individual's current level of functioning. The standard error of measurement should be considered in interpreting the standardized test scores. Documentation must be in writing.

(V) Verification by the Multidisciplinary Team.

(ii) Speech/Language Impaired

(I) Definition—A child whose basic communication system, whether verbal, gestural, or vocal, evidences disorder, deviation, or general developmental delay in language, articulation, fluency, or voice quality which hinders his/her academic learning, social adjustment, or communication skills, is considered speech or language impaired.

(II) Criteria for Certification—Speech/language impairment shall be determined through the manifestation of one or more of the following:

1. Language Impairment—A deficiency which is not consistent with chronological and/or mental age in one or more of the following areas:

A. A deficiency in decoding (reception) skills to gain information.

B. A deficiency in encoding (expression) skills to communicate information.

C. A deficiency in processing (auditory perception) skills to organize information.

II. Articulation Impairment—A deficiency in ability to produce sounds in conversational speech which is not consistent with chronological and/or mental age

III. Voice Impairment—An excess or deficiency in pitch, intensity, or quality resulting from pathological conditions or inappropriate use of the vocal mechanism.

IV. Fluency Impairment—Abnormal interruptions in the flow of speech by repetitions or prolongations of a sound, syllable, or articulatory position, or by avoidance and struggle behaviors

(III) Evaluation Procedures—Evaluation procedures for all speech/language impairments will include hearing screening and oral-peripheral examination.

I. Language Impairment—Assessment of language abilities will include the following:

A. Reception: vocabulary, syntax, morphology.

B. Expression: mean length of utterance, syntax, semantics, pragmatics, morphology.

C. Auditory perception: selective attention, discrimination, memory, sequencing, association, integration.

D. Manual or non-verbal communication systems must be used when appropriate.

II. Articulation Impairment—Assessment of articulation abilities will include the following:

A. Appropriate standardized tests.

B. Analysis of phoneme production in conversational speech.

III. Voice Impairment—Assessment of vocal characteristics will include the following:

A. Analysis of pitch, intensity, and quality.

B. Examination by an otolaryngologist.

IV. Fluency Impairment—Assessment of fluency will include the following:

A. Objective measures of fluent and nonfluent behaviors.

B. Attitude rating scales.

C. Anecdotal records from the student, parent, and teacher.

(IV) Certification by Specialist—Speech/language impairments must be certified by a qualified speech language specialist. Severe speech/language impairments may require additional professional consultation. Documentation must be in writing.

(V) Verification by Multidisciplinary Team.

(iii) HEARING IMPAIRED

(I) Definition—Hearing impairment is an all inclusive term which refers to any type or degree of hearing loss, ranging from mild to profound, and includes both deaf and hard of hearing.

I. Deaf—A child whose hearing impairment is so severe that learning is not acquired primarily through the auditory channels even with amplification, is considered deaf. A deaf child needs extensive special instruction to develop communicative and learning skills.

II. Hard of Hearing—A child described as hard of hearing has sufficient residual hearing for communication with others, with or without amplification. This hearing impairment, whether permanent or fluctuating, may adversely affect educational performance.

(II) Criteria for Certification—A child must have one or more of the following characteristics:

I. Inability to communicate effectively due to hearing impairment.

II. Inability to perform academically on a level commensurate with the expected level because of hearing problems.

III. Delayed language development due to hearing impairment.

IV. Hearing impairment which influences vocational or social competency.

(III) Evaluation Procedures—Evaluation components shall include the following:

I. Audiological evaluation obtained within the preceding 12 months.

II. Assessment of speech and language performance.

III. School history and levels of educational performance.

IV. Vocational and social competencies.

(IV) Certification by Specialist(s)—A hearing impaired child must be certified by a physician or audiologist, and must be based on audiological information obtained within the preceding 12 months. Documentation must be in writing and must be updated annually.

(V) Verification by the Multidisciplinary Team.

(iv) Visually Handicapped

(I) Definition

I. A child who relies on senses other than sight to obtain information and requires adapted methods, materials, and equipment for learning is considered blind.

II. A child who has a visual acuity of 20/200 or less in the better eye after correction or a restricted field of 20 degrees or less and who may or may not use sight as a channel for learning is considered to be legally blind.

III. A child who, after correction, requires adapted methods, materials, and/or equipment in order to use residual sight as a channel for learning is considered visually limited.

(II) Criteria for Certification—A child must have one of the following characteristics:

I. A distant visual acuity of 20/50 or less, in the better eye after correction.

II. A near visual acuity of 20/50 or less, in the better eye after correction (i.e., Jaegar 6 or A.M.A. 14/35 are equivalent to 20/50).

III. A central visual field loss of any degree in both eyes.

IV. A remaining peripheral visual field no greater than 60 degrees.

V. An ocular disorder associated with structural defects, as cataracts, strabismus, or detached retina.

VI. An ocular disorder associated with a disease, as diabetes, rubella, or albinism.

VII. A progressive loss of sight which may, in the future, affect ability to learn visually.

(III) Evaluation Procedures

I. Written documentation of eye condition with best possible correction must be obtained from an ophthalmologist or optometrist.

II. A written functional vision report, completed by a certified teacher of the visually handicapped, must include:

A. Functional vision assessment.

B. Observations of visual behaviors at school, home, or other environments.

C. Educational implications of eye condition based upon information obtained from eye report.

III. A statement of the child's levels of performance in the required areas must be provided by appropriate school personnel and communication and/or compensatory skills to be provided by a certified teacher of visually handicapped.

IV. Eye examination reports must be obtained at least every 3 years for recertification. Additional eye examinations should be obtained as needed.

(IV) Certification by Specialist(s)—Written documentation of eye condition with best possible correction must be obtained from an ophthalmologist or optometrist.

(V) Verification by the Multidisciplinary Team.

(v) Physically Handicapped

(I) Definition—A child who has a severe orthopedic impairment which adversely affects educational performance is considered physically handicapped. The term includes impairments caused by congenital anomaly, disease, and other causes.

(II) Criteria for Certification—A child is physically handicapped when special services are required for participation in an appropriate education program.

(III) Evaluation Procedures—Evaluation components shall include the following

I. Appropriate medical evaluation obtained from a licensed physician to be reviewed at least annually.

II. Both social and physical adaptive behaviors which relate to the health impairment.

III. School history and levels of educational performance.

(IV) Certification by Specialist(s)—A physically handicapped child must be certified by appropriate professional personnel licensed by the State Licensing Board of Healing Arts. Documentation must be in writing.

(V) Verification by Multidisciplinary Team.

(vi) Health Impaired

(I) Definition—A child who has limited strength, vitality or alertness due to chronic or acute health problems which adversely affect educational performance is considered health impaired.

(II) Criteria for Certification—A child is health impaired when special services are required to enable participation in an appropriate education program.

(III) Evaluation Procedures—Evaluation components shall include the following:

I. Appropriate medical evaluation obtained from a licensed physician, to be reviewed at least annually.

II. Both social and physical adaptive behaviors which relate to the health impairment.

III. School history and levels of educational performance.

(IV) Certification by Specialist(s)—A health impaired child must be certified by appropriate professional personnel licensed with the State Board of Healing Arts. Documentation must be in writing.

(V) Verification by Multidisciplinary Team.

(vii) Other Health Impaired (Autistic)

(I) Definition—A child who has an autistic condition which is manifested by severe communication and other developmental and educational problems is considered other health impaired.

(II) Criteria for Certification—A child will typically have the following characteristics prior to 30 months of age:

I. Disturbances of developmental rates and sequences.

II. Disturbances of responses to sensory stimuli.

III. Disturbances of speech, language-cognition, and nonverbal communication.

IV. Disturbances of the capacity to relate appropriately to people, events, and objects.

(III) Evaluation Procedures—Evaluation components shall include the following:

I. Parental interview including developmental history.

II. Behavioral observations in two or more settings.

III. Comprehensive physical and neurological information.

IV. Evaluation which includes assessment of intelligence, language/speech, adaptive behavior, and educational needs.

(IV) Certification by Specialist(s)—An autistic child must be certified by a licensed psychiatrist, a licensed psychologist, or a certified school psychologist. Documentation must be in writing.

(V) Verification by the Multidisciplinary Team.

(viii) Specific Learning Disability

(I) Definition—A child who has a disorder in one or more of the basic learning processes which may manifest itself in significant difficulties in the acquisition and use of listening, speaking, reading, writing, spelling or performing mathematical calculations is considered to have a specific learning disability.

(II) Criteria for Certification

I. A child exhibits a significant discrepancy between achievement and cognitive/intellectual functioning when provided with learning experiences appropriate for the individual's age and ability levels.

II. A significant discrepancy is defined as a difference of more than one standard deviation between cognitive/intellectual functioning and measured achievement in one or more of the following areas:

A. Listening comprehension
B. Oral expression
C. Basic reading skill
D. Reading comprehension
E. Written expression
F. Mathematics calculation
G. Mathematics reasoning

III. In cases where the certifying specialists determine that assessment measures did not accurately reflect the discrepancy between academic functioning and intellectual functioning, appropriate documentation must be used to verify the discrepancy.

IV Although a learning disability may occur with other handicapping conditions, a child may not be identified as having a specific learning disability if the discrepancy between ability and achievement is primarily the result of one of the following:

A. A visual, hearing, or motor handicap

B. Mental retardation

C. Emotional disturbance

D. Environmental, cultural or economical disadvantage

E. Inappropriate or insufficient teaching

(III) Evaluation Procedures—The following assessment procedures must be utilized.

I. Assessment of the child's cognitive/intellectual functioning with an individual evaluation by a certified school psychologist, licensed psychologist, or a licensed psychological examiner utilizing appropriate procedures.

II. Assessment of achievement with individually administered tests in the areas of suspected learning disability by appropriately qualified personnel.

III. Documented observations of classroom behaviors and academic performance by both the regular classroom teacher and at least one other evaluation team member. In the case of a child of less than school age or out of school, an evaluation team member shall observe the child.

IV. Written evaluation report by the evaluation team based on the diagnostic information and documented observations. The team's written report must include a statement of whether the child has a specific learning disability and the basis for making the determination

(IV) Certification by Specialist(s)—Learning disabilities must be certified by an evaluation team which includes:

I. The child's regular teacher, or a regular classroom teacher qualified to teach a child of his/her age.

II. For a child of less than school age, an individual qualified to teach a child of his/her age.

III. A certified school psychologist, licensd psychological examiner, or a licensed psychologist.

IV. Other specialists such as speech-language pathologists or special education teachers as appropriate.

(V) Verification by the Multidisciplinary Team

(ix) Seriously Emotionally Disturbed

(I) Definition—A child who exhibits more than one of the characteristics listed below over an extended period of time and to a marked degree, which adversely affects educational performance is considered seriously emotionally disturbed.

(II) Criteria for Certification—A child must exhibit more than one of the following:

I. Inability to learn which cannot be explained primarily by intellectual, sensory, health, or specific learning disability factors.

II. Inability to build or maintain satisfactory interpersonal relationships with peers, and teachers, and other significant persons.

III. Inappropriate types of behavior or feelings under normal circumstances.

IV. General pervasive mood of unhappiness or depression.

V. Tendency to develop physical symptoms or fears associated with personal or school problems.

VI. Significantly deviant behavior characterized by extreme opposition and aggressiveness to severe depression and withdrawal.

VII. Perceptions of reality which appear distorted or unrealistic and which are not culturally based.

(III) Evaluation Procedures—Evaluation shall include all of the following:

I. Information which indicates there are no vision or hearing problems which are creating the abnormal behavior.

II. Medical information which indicates there are no medical problems which are creating the abnormal behavior.

III. Compilation of specific behavioral data including evidence of previous educational adjustments or interventions documented by the referral source.

IV. Records of direct observation of the student by someone other than the referral source.

V. Individual assessment of psychological strengths and weaknesses, including both intelligence and personality factors, taking into account any exceptionality of the individual in the choice of test instruments. Careful provision must be made to insure that any perceived behavior disorders cannot be attributed to cultural differences.

VI. Individual educational assessment to determine the pupil's strengths and weaknesses and a review of past educational performance.

ing is not a valid indicator of the child's intellectual ability, an appropriate documentation obtained from a multifaceted assessment shall be used to support the determination of intellectual functioning.

A. The multifaceted assessment should include the following:

(A) Parental interview including developmental history.

(B) Behavioral checklists indicating superior skills.

(C) Documentation and/or observations of the child's products as projects, writings, or ideas.

(D) Individual intelligence test scores

(E) Recommendation by teachers or other professionals who have observed the child's abilities.

(IV) Certification by Specialist(s)—Gifted children shall be certified by a certified school psychologist, a licensed psychologist or a licensed psychological examiner. Documentation must be in writing.

(V) Verification by the Multidisciplinary Team.

(xii) Other (Specify)—A child who has a handicap other than those given above may receive special educational services upon certification of the handicapping conditions by an appropriate specialist and upon recommendation by a multidisciplinary team that the child's educational needs cannot be met in the regular program and that special education services are necessary. Approval shall be obtained after submission of a plan which shall include the following points:

(I) Definition of handicapping condition.

(II) Criteria for certification of child's handicapping condition by appropriate specialist.

(III) Evaluation procedures.

(IV) Verification of need for special education services by the multidisciplinary team.

(V) Individualized Education Program (I.E.P.) including all the required components.

(b) Develop an individualized education program designed to meet the individual needs, interests, and abilities of each child. "Individualized education program" means a written statement for each handicapped child developed in a multidisciplinary team meeting and reviewed and updated at least annually. The I.E.P. must contain the following components:

1. A statement of the child's present levels of educational performance.

2. A statement of annual goals which described the educational performance to be achieved by the end of the school year.

3. A statement of short-term instructional objectives, which must be measurable intermediate steps between the present level of educational performance and the annual goals.

4. A statement of specific educational and related services needed by the child, including a description of:

   (i) All special education and related services which are needed to meet the unique needs of the child, including the type of adapted physical education program in which the child will participate when necessary.

   (ii) Any special instructional media and materials if necessary.

5. The date when those services will begin and length of time the services will be given.

6. A description of the extent to which the child will participate in regular education programs.

7. A justification for the type of educational placement which the child will have.

8. The persons responsible for the implementation of the individualized education program.

9. Objective criteria, evaluation procedures, and schedules for determining on at least an annual basis, whether the short-term instructional objectives are being achieved.

(c) Develop procedures which provide for appropriate special educational services for handicapped children in the least restrictive environment.

1. Special education services may be provided by the local school systems acting for itself, by action of two or more school systems through establishment and maintenance of joint programs; by purchase of services from suitable public or private agencies having the appropriate programs, capacity, and competence or by any combination of the above.

The following options are designed to provide a series of progressively restrictive alternatives for meeting educational needs of verified handicapped children. Actual educational programming shall be the least restrictive alternative appropriate for the particular child.

A combination of the options may be provided a child upon demonstration of need and recommendation of the M-Team.

2. Support to Regular Programs

(i) *Option 1. The regular educational program with additional supportive services.* The child remains in the regular program and the teacher and/or child is supplied with special equipment and supplies, special transportation, attendant services, and other supportive services when recommended by the multidisciplinary team as being necessary to the identified educational needs. The regular teacher conducts the program.

(ii) *Option 2. The regular educational program with the services of a special education consulting teacher who assists the regular teacher.* The child receives instruction in the regular program, and a consulting teacher helps the regular teacher design and implement an individualized program including appropriate materials for each eligible child through this option.

(iii) *Option 3. The regular educational program with additional instruction by a special education teacher in the regular classroom.* The special education teacher works with the regular teacher and provides direct instruction in the regular class to an eligible child whose identified needs can be met with part-time support. The instruction may be on an individual basis or small group basis and is always carefully coordinated with the regular class activities.

(iv) *Option 4. The regular education program with a speech and language teacher providing services to a child.* The child receives instruction as provided in the regular classroom with the services of a speech and language teacher on a regularly scheduled basis. The instruction may be on an individual basis or in small groups.

(v) *Option 5. The regular educational program with special education resource activities.* The child receives as much of the classroom instruction as appropriate. Additional educational experiences are provided by a special education resource teacher in a program designed to meet identified needs. The duration of time spent with the resource teacher is determined by the nature of the handicapping characteristics and the degree of intervention necessary to meet the child's needs. The instruction may be provided on an individual or small group basis and is always carefully coordinated with the regular class activities.

(vi) *Option 6. Regular or special education program combined with public or private supplementary services.* This is a coordinated program in which the child receives most of his educational experiences in the regular or special program of the public school with supplementary activities or supporting services provided by other agencies.

3 Full-time Special Programs

(i) *Option 7. The comprehensive development class for full-time program.* The child receives most of his basic educational experiences through an individualized instructional program in a special class. These experiences are supplemented by inclusion in those parts of the regular program which are appropriate and by the provision of supportive services.

(ii) *Option 8. Special Day Program.* The child whose handicapping characteristics are so profound or complex as to require more than two educational or related services as well as transportation may be placed in a special day program which will provide the array of necessary comprehensive services.

(iii) *Option 9. Special residential program.* The child whose handicapping characteristics are so profound or complex that continuous intervention is required to meet his educational needs and no special education services offered in a comprehensive development class or day program can adequately or appropriately meet these needs may be placed in a residential program.

(iv) *Option 10. Home and hospital instruction.* The home and hospital program shall consist of instructional and/or supportive services which are provided by the school to a child in his home, in a convalescent home, or in a hospital. Instructional services shall be provided:

(I) To any child with a physical handicap which, in the opinion of professional personnel licensed by the Board of Healing Arts, will cause him to be absent from school for more than two consecutive weeks.

(II) On a temporary basis to any child who has been certified by an appropriate specialist as having a handicapping condition and verified by the M-Team as the appropriate interim service for that child.

A child will be ineligible for home or hospital instruction during infectious stages of communicable diseases. The amount of instructional or supportive service time provided through the home and hospital program shall be determined in relation to each child's educational needs and his physical and mental health. Yearly average daily attendance for homebound and hospitalized children shall be computed by dividing the total number of hours of instruction by 108. No more than three (3) hours of instruction per week shall be reported for any one eligible child. A child who requires a home and hospital program on a temporary basis shall be provided with instructional services sufficient to enable him to return to school with a minimum of difficulty. If the child requires the home and hospital program for an extended time, he shall be provided with instructional services sufficient to appro-

37. Utah

RULES AND REGULATIONS
FOR
EDUCATION PROGRAMS FOR THE HANDICAPPED

UTAH STATE OFFICE OF EDUCATION

Walter D. Talbot
State Superintendent of Public Instruction

DIVISION OF PROGRAM ADMINISTRATION

Kent L. Worthington, Administrator

R. Elwood Pace	Coordinator, Special Education Programs
Benjamin B. Bruse	Specialist, Federal Programs
Geraldine M. Clark	Specialist, Intellectual Handicaps
Cyrus W. Freston	Specialist, CSPD and Learning Disabilities
H. Kenton Reavis	Specialist, Behavior Disorders
Mae M. Taylor	Specialist, Communication Disorders, Physically Handicapped and Homebound/Hospitalized
Robert W. Tegeder	Specialist, Deaf, Blind and Deaf-Blind

Salt Lake City, Utah

Adopted by the
UTAH STATE BOARD OF EDUCATION

November 20, 1981

Approval to exceed the maximum prevalences stated may be granted subject to justification submitted in writing to the State Director of Special Education.

Category	Prevalence
(Homebound & Hospitalized Handicapped (Permanent and Temporary included)	*
Intellectually Handicapped (formerly EMR)	.015
Severe Intellectually Handicapped (formerly TMR)	.002
Severe Multiply Handicapped, (including Deaf-Blind, Autistic, and Training Centers for Severely Handicapped)	.004
Specific Learning Disabled (formerly LD)	.03
Behavior Disordered (formerly E/BH)	.03
Deaf	.0008
Hard of Hearing	.002
Communication Disordered (Speech/Hearing/Language)	.035
Physically Handicapped (Motor Handicapped and Other Health Impaired	.002
Visually Impaired	.001
TOTAL	.1218

To determine the handicapped ADM limit for each category, use the following conversion formula:

$$\frac{\text{Aggregate number of enrolled pupils (counting both present and absent pupils) during the year}}{\text{Number of days school is in session (180 days)}}$$

(See Annual Estimated Data Report instructions)

IV. F. MAXIMUM PUPIL-TEACHER RATIO FOR SERVICE PATTERNS

Maximum pupil-teacher ratios are set for each service pattern. Maximum pupil-teacher ratios refer to head count, NOT ADM. (See Tables B & C).

Approval to exceed the maximum pupil-teacher ratios stated may be granted subject to justification submitted in writing to the State Director of Special Education.

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*Homebound & Hospitalized Handicapped service pattern (Permanent and Temporary) does not increase prevalence total; but does increase service cost.

TABLE B

MAXIMUM PUPIL-TEACHER RATIO

More Severe ⟵ Severe ⟶ Less

	Self-Contained Special Class	[1]Resource	
		To a Single Handicap	Two or More Handicaps
IH (EMR)	15	15	*
SIH (TMR)	12	15	
SLD (LD)	15	24	*
BD (B/EH)	12	24	*
D	12	20	*
[2]Hrg Imp	15	20	*
[2]CD	NA	60	*
PH	12	NA	*
[2]VI	NA	20	*
[3]SMH (Incl Trng Cntr)	12(w/help of aide)	NA	(*Total of 35 students from starred categories)
[4]HB (Hndcpd only)	15	NA	

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[1] ADM for resource programs is figured on a daily service basis of not less than ½ hr. per day. If less frequent than daily service is prescribed, the teacher will list these students in the official attendance register by diagnosed handicap and record the days they are served. The total of days served will then be considered as the number of days in membership. (See Rule VI.B.)

[2] ADM for programs for Communication Disordered, Visually Impaired, and Hearing Impaired, is figured on a weekly caseload when an itinerant service pattern is provided. When handicapped services are provided by itinerant teachers, the minimum time should be ½ hour per contact with student.

[3] A certificated teacher may serve more than 12 SMH students with more than one aide. Total teacher and aide ratios to pupils should not exceed 1:6. A certificated teacher may not be responsible for more than 18 students, with the help of two (2) aides.

[4] Handicapped Homebound Instruction time per student should average two (2) hours per week. An anticipated absence of at least two weeks is required for participation in the homebound program.

TABLE C
MAXIMUM PUPIL-TEACHER RATIO
FOR
SELF-CONTAINED/RESOURCE OPTION

Categories Allowable:

IH, SLD   BD, D
HI, CD   PH, VI

Students Self-Cont'd in Resource Class (½ day or more)	Resource Students (Less than ½ day)	Total Students (Head Count)
1	32	33
2	29	31
3	26	29
4	23	27
5	20	25
6	17	23
(Maximum)		

1083

I. CATEGORY: COMMUNICATION DISORDERED (SPEECH/LANGUAGE/HEARING)

A. DEFINITION:

The communication disordered student has a disorder in one or in a combination of modes of communication: listening, thinking and speaking. The speech, hearing and/or language disorder may involve a disorder of spoken speech, expressive or receptive language, or receptive or integrative audition. The speech/hearing/language disorder may affect the student's communication to such a degree that it detracts from acceptable normal speech and language, calls undesirable attention to itself, is embarrassing to the student, or adversely affects educational performance and/or linguistic competence or performance.

B. CLASSIFICATION GUIDELINES:

The communication disorders specialist's (CDS) diagnosis is acceptable for classification in the communication disorders category. The diagnosis of the CDS indicates that the student has a disorder of speech/hearing/or language to such a degree that special rehabilitative instruction is necessary. For a student who has an articulation disorder as his handicap, the CDS, in complying with the multi-source assessment requirement, might use (1) a standardized test of articulation and (2) observation of the student's articulation in conversational speech. The CDS will, where necessary, make referrals for additional assessments needed by the team to make an appropriate judgment regarding the student's needed services and IEP.

For all students classified as Communication Disordered, there must be evidence of diagnosis by a certified CDS.

C. EDUCATIONAL EVALUATION GUIDELINES:

The CDS will, following screening procedures, administer individual diagnostic tests to each student with a speech/hearing/language disorder to determine the educational prescription and service pattern. Such testing may include, but not be limited to, the following:

1. Individual audiometric testing.
2. Formal articulation tests of various kinds.
3. Tests of language functioning and/or disorders, and psycho-linguistic tests.
4. Voice and fluency evaluation.
5. Oral-peripheral examination.
6. Classroom observation.

1084

7. Achievement testing information available in the school, useful to the CDS and team in determining specific needs of the child.

Determination of the educational/treatment program and service pattern will be made by the IEP Team. (Rule III.B.)

D. SPECIAL NOTE: TONGUE THRUST

Numerous requests are received by the CDS to treat a student for tongue thrust. The general policy should be that the student may be treated if there is an associated communication disorder. If not, and the student is not otherwise handicapped, he/she is not eligible to be treated under monies for the handicapped.

II. CATEGORY: PHYSICALLY HANDICAPPED: MOTOR HANDICAPPED, ORTHOPEDICALLY IMPAIRED, OR OTHER HEALTH IMPAIRED (OHI)

A. DEFINITION:

Physically Handicapped and Other Health Impaired refers to those students who have orthopedic impairments, motor handicaps and/or physical health conditions, congenital or acquired, or chronic health problems, who need Special Education intervention to achieve in the educational program.

B. CLASSIFICATION GUIDELINES:

Medical information should be obtained when deemed necessary for planning educational intervention. (Examples of diagnoses included are chronic health problems such as rheumatic fever, cardiac problems, epilepsy, spina bifida, muscular dystrophy, cerebral palsy, etc.)

As in other special education categories, the evaluation/classification team classifies the student, and the IEP team determines the services to be provided.

III. CATEGORY: SPECIFIC LEARNING DISABLED

A. DEFINITION:

"Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing or motor handicaps, mental retardation, emotional disturbance, or environmental, cultural or economic disadvantage.

B. CLASSIFICATION GUIDELINES:

1. In evaluating a student suspected of having a specific learning disability, in addition to the requirements of the Utah State Board of Education, Rules and Regulations, Rules II and III, each public agency shall include on the multidisciplinary evaluation team:

   a. (1) The student's regular teacher; or

      (2) If the student does not have a regular teacher, a regular classroom teacher qualified to teach a pupil of his/her age; or

      (3) For a child of less than school age, an individual qualified by the State Education Agency to teach a child of his/her age; and

   b. At least one person approved by the district to conduct individual diagnostic examinations for which they have been trained.

   c. (1) A team may determine that a student has a specific learning disability if:

      (a) The student does not achieve commensurate with his/her age and ability level in one or more of the areas listed in paragraph (b) of this section, when provided with learning experiences appropriate for his/her age and ability levels; and

      (b) The team finds that a student has at least a 40 percent deficiency between achievement and both current grade placement and expected achievement in one or more of the following areas:

(i) Oral expression;
(ii) Listening comprehension;
(iii) Written expression;
(iv) Basic reading skills;
(v) Reading comprehension;
(vi) Mathematics calculation; or
(vii) Mathematics reasoning.

(2) The team may not identify a student as having a specific learning disability if the severe deficiency between ability and achievement is primarily the result of:

(a) A visual, hearing or motor handicap;

(b) Mental retardation;

(c) Emotional disturbance; or

(d) Environmental, cultural or economic disadvantage.

d. The amount of under achievement may be less as the students participating in the learning disabilities program begin to make academic growth and eventually reach a stage of maintenance. Consideration of this will help to determine movement along the continuum of service options and assist in targeting appropriate dismissals from special education learning disability programs.

C. INTELLECTUAL CRITERIA

Students whose primary handicapping condition is due to learning disabilities must score above the minus one standard deviation point on a major instrument that is recognized as a valid measure of intellectual functioning. The Wechslers, Slosson and Stanford-Binet Intelligence Tests would be appropriate instruments. When the Slosson Intelligence Test is utilized, the score should be 85 or above. Occasionally, there is reason to suspect the test(s) results are not true indices of a particular student's ability. In this case, other data supporting the professional judgment that the intellectual potential is above minus one standard deviation must be submitted in written form.

D. SENSORY CRITERIA

1. Hearing sensitivity must be within normal limits after correction. However, students who may be experiencing a temporary loss of this is noneducationally relevant, i.e., high frequency losses above the speech range or hearing loss in one ear only should not automatically be excluded.

2. Visual acuity must be within normal limits after correction in the better eye, i.e., acuity better than 20/70.

E. MENTAL HEALTH CRITERIA

Students with learning problems primarily due to emotional disabilities are not eligible for services on the basis of learning disabilities. Although this differentiation, many times, is primarily one of professional judgement, the staffing team should minimally consider each student's behavior in the following areas:

1. Behavior problems apparent in social relationships including peer relationships, student teacher relationships, student parent relationships and student sibling relationships.

2. Behavior problems apparent in various settings including the regular classrooms, playground, study hall and other unstructured time, special subject areas such as music and art, the home and the community.

Students with learning disabilities, however, may evidence behaviors which are characteristic of social/emotional problems. They may often miss or confuse nonverbal cues in the behavior of others and have little understanding of subtle language used in puns, slang expressions, etc. They may not be able to attend to a task in group settings. As the student with learning disabilities grows older, particularly if he/she has been undiagnosed and unserved, he/she often will have a less than adequate self-concept and be difficult to motivate.

F. OBSERVATION

1. At least one team member other than the student's regular teacher shall observe the pupil's academic performance in the regular classroom setting.

2. In the case of a child of less than school age or out of school, a team member shall observe the child in an environment appropriate for a child of that age.

G. WRITTEN REPORT

1. The team shall prepare a written report of the results of the evaluation.

2. The report must include a statement of:

    a. Whether the student has a specific learning disability;

    b. The data basis for making the determination;

    c. The relevant behavior noted during the observation of the student;

    d. The relationship of that behavior to the student's academic functioning;

e. The educationally relevant medical findings, if any;

f. Whether there is a severe discrepancy between achievement and ability which is not correctable without special education and related services; and

g. The determination of the team concerning the effects of environmental, cultural or economic disadvantages.

3. Each team member shall certify in writing whether the report reflects his/her conclusion. If it does not reflect his/her conclusion, the team member must submit a separate statement presenting his/her conclusions.

H. EDUCATIONAL HISTORY

When an academic discrepancy is identified, it is important to determine if that discrepancy is the result of such factors as an extended absence without the provision of a school program, frequent moving, inadequate instruction, a non-English speaking home or other external factors that have been mentioned previously. Parent interview and review of relevant school records are useful information gathering techniques. Remedial programs, compensatory education, special needs or other general education alternatives may be the most appropriate interventions in these cases.

I. LEARNING SKILLS AND PROCESSES OR LANGUAGE SKILLS AND PROCESS

The assessment of information processing abilities is sometimes achieved by instruments which purport to measure modality preferences, perceptual skills (e.g., closure, discrimination, sequencing, etc.), memory functions and levels of meaningfulness. The assessment of the linguistic system is achieved through the use of measures of reception and expression of semantics, syntax and morphology.

Use of instruments which purport to measure information processing abilities must be coupled with professional judgment. Persons knowledgeable in learning disabilities will be able to make clinical judgments of information processing by observation of how the child deals with the task, demands of other instruments and through observation of the students in the school setting.

When used in determining eligibility, the relationship of findings in these areas to the student's school performance should be clearly established. Data in these areas, whether based on the observation in the classroom, standardized instruments, surveys or clinical judgments extrapolated from instruments primarily designed to assess other variables, should be documented in written form.

J. OTHER CHARACTERISTICS

Other characteristics are frequently associated with the learning disabled, such as attention problems, high distractability, difficulty generalizing from past experiences and drawing conclusions. Observations of these behaviors, if used in determining eligibility, must also be entered in written form indicating on what basis the clinical judgments have been made.

K. ADDITIONAL COMMENTS

Assessment can be viewed as having two primary purposes:

1. Assessment for identification of a handicap, and

2. Assessment for planning individualized education programs.

Assessment of instructional needs is accomplished to acquire the necessary information to develop an appropriate comprehensive education plan for the student with learning disabilities. Although some of this information is collected by the staffing team as part of the identification process, additional information may be necessary for instruction purposes. There should be an analysis of the learner in his/her environment, which includes:

1. A teacher and parent interview;

2. Direct observation in the classroom in a variety of activities; and

3. Review of relevant school records.

Assessment of specific educational needs should consider:

1. The teacher's written report of the student's specific strengths and weaknesses in the academic and behavioral areas;

2. Behavioral checklist completed by those who have worked with the student;

3. Criterion referenced test;

4. Error analysis of the individual student's work; and

5. Diagnostic teaching.

This type of assessment for instructional purposes should be ongoing and provide the relevant data for follow-up and yearly reevaluation.

L. EXAMPLES OF TESTING INSTRUMENTS (Not considered mandatory or all inclusive)

1. Oral Expression
   Utah Test of Language Development (UTLD)
   Carrow Elicited Language Inventory (CELI)
   ITPA Verbal Expression Subtest
   Northwestern Syntax Screening Test (NSST)
   Test of Language Development (TOLD)

2. Listening Comprehension
   Brown-Carlson Listening Comprehension Test
   Carrow Test for Auditory Comprehension of Language
   Durrel Listening Reading Series
   Goldman-Fristoe-Woodcock Auditory Tests
   Lindamood Auditory Conceptualization Test

3. Written Expression
   Mykelbust Picture Story Language Test
   Comprehensive Tests of Basic Skills (CTB/McGraw Hill)
   Iowa Tests of Educational Development: Test 3
   Valett Psychoeducational Inventory of Basic Learning Abilities
   Slingerland Screening Test for Identifying Children with Specfic Language Disabilities

4. Basic Reading Skills
   Woodcock Reading Mastery Tests
   Peabody Individual Achievement Test (PIAT)
   Spache Diagnostic Reading Scales
   Durrell Analysis of Reading Difficulty
   Gates-McKillip Reading Diagnostic Tests
   Stanford Achievement Tests
   Metropolitan Achievement Tests

5. Reading Comprehension
   Woodcock Reading Mastery Tests
   Peabody Individual Achievement Test (PIAT)
   Stanford Achievement Test
   Stanford Diagnostic Reading Test
   Durrell Analysis of Reading Difficulty
   Gates-MacGinitie Reading Tests Survey F
   Gilmore Oral Reading Tests
   Metropolitan Achievement Tests

6. Mathematics Calculation
   Key Math Diagnostic Arthmetic Test
   Wide Range Achievement Test
   Stanford Achievement Tests
   Stanford Diagnostic Arithmetic Test
   Metropolitan Achievement Tests
   SRA Achievement Series
   Peabody Individual Achievement Test (PIAT)

7. Mathematics Reasoning
   Key Math Diagnostic Arithmetic Test
   Iowa Every-Pupil Tests of Basic Skills
   SRA Achievement Series
   Stanford Diagnostic Arithmetic Test
   Peabody Individual Achievement Test (PIAT)
   Metropolitan Achievement Tests

IV. CATEGORY: INTELLECTUALLY HANDICAPPED
(formerly, Educable Mentally Retarded)

A. DEFINITION:

An intellectual handicap refers to significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior* and manifested during the developmental period (definition from American Association on Mental Deficiency). Persons whose intellectual disabilities prevent proper scholastic growth through regular program offerings, but who appear capable of acquiring primary academic skills, social adequacy and occupational competency are included in this category. On an individual intelligence test, an educable intellectual handicap is generally indicated by an over-all score in the 55-75 range.

B. CLASSIFICATION GUIDELINES:

1. Eligibility is determined by a thorough case study provided by a multidisciplinary diagnostic team which must assess psychoeducational and adaptive functioning.

2. The I.Q. is generally 55-75, as determined by an individual psychological examination administered by a qualified psychological examiner, using one or more standardized tests.

3. Adaptive behavior* assessment must show evidence that low I.Q. is not a function of

   - environmental disabilities
   - experiential deprivation,
   - ethnic variables.

4. Multidiagnostic instruments reveal a uniformly low profile.

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*Adaptive behavior is defined as the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of pupils of comparable age and cultural group.

V. CATEGORY: SEVERE INTELLECTUALLY HANDICAPPED
(formerly Trainable Mentally Retarded)

A. DEFINITION:

An intellectual handicap refers to significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior* and manifested during the developmental period (definition from American Association on Mental Deficiency). The trainable intellectually handicapped generally fall within the 40-60 I.Q. range, are unable to keep up with an educable intellectually handicapped class, have reasonable possibility of acceptable behavior in social groups, and have some ability to acquire personal competency to become, in part, self-directing individuals and acquire some type of vocational skills.

B. CLASSIFICATION GUIDELINES:

1. Eligibility is determined by a thorough case study provided by a multidisciplinary diagnostic team which must assess psycho-educational and adaptive functioning.

2. The trainable intellectually handicapped student is generally incapable of being educated efficiently and properly through special education classes for the educable intellectually handicapped.

3. The I.Q. is generally 40-60, as determined by an individual intellectual examination administered by a qualified psychological examiner.

4. Lack of ability to deal effectively with people and situations is a factor in determining whether an individual is classified as intellectually handicapped (formerly EMR), or severe intellectually handicapped (formerly TMR).

*Adaptive behavior is defined as the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of pupils of comparable age and cultural group.

VI. CATEGORY: SEVERE MULTIPLY HANDICAPPED

A. DEFINITION:

The severe multiply handicapped are those individuals who present an array of two or more handicaps, each one of which prevents or interferes with normal functioning to the extent that special education intervention is needed. These individuals require special education provisions of the type not available in programs designed to serve only one handicap.

B. CLASSIFICATION GUIDELINES:

1. An intellectual, and adaptive behavior* educational diagnosis will be mandatory on each individual. Medical information should be obtained when deemed necessary for planning educational intervention. Assessment of communication and/or behavioral disorders will be conducted, as necessary, by appropriate certified personnel.

2. Sub-Categories:

   a. Deaf-Blind: Students with loss of both hearing and vision to such a degree that they cannot be adequately served in either a program for the blind or the deaf. The special language development problems of these children place them in a separate category from other multihandicapped. Teachers and aides must have special training.

   A student may be determined as eligible for deaf-blind services when a combination of the following conditions from the vision, hearing and education areas exists.

   Vision (any of the following):

   Measured or estimated corrected visual acuity of 20/100 or less in the better eye, and/or a previous chronic condition has existed which has interfered with the visual learning mode.

   In the presence of a normal peripheral vision apparatus as determined by an ophthalmologist, cortical blindness which must be verified by reports indicating an absent optikinetic nystagmus as appropriate to age by an ophthalmologist, or pediatrician, or pediatric neurologist.

   Field of vision of 20 degrees or less in the better eye.

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*Adaptive behavior is defined as the effectiveness of degree with which the individual meets the standards of personal independence and social responsibility expected of pupils of comparable age and cultural group.

Visual acuity cannot be definitively measured and the student is suspected of being functionally blind. "Functionally blind" means the student does not visually track, localize or use vision appropriate to developmental level (as determined by appropriate developmental assessment).

Hearing (either of the following):

30 DB bilateral sensory-neural hearing loss as a minimum across the speech frequency in the better ear with amplification, and/or a previous chronic condition has existed which has interfered with the auditory learning mode.

Sensitivity and middle ear functioning cannot be definitively measured and the student is suspected of being "functionally deaf." "Functionally Deaf" means the student does not auditorally attend to, respond to or localize sounds, or use hearing appropriate to developmental level (as determined by appropriate development assessment).

Education

Students with loss of both hearing and vision to such a degree that they cannot be adequately served in either a program for the blind or the deaf without special assistance by teachers and aides with special training. These individuals require special education provisions of the type not available in programs designed to serve only one handicap. The special language development problems of these students place them in a separate category that is different from other multiple handicapped students but may include additional handicapping conditions.

b. Autism

(1) Definition: Autism is a severe incapacitating developmental disability. The essential features are typically manifested prior to 30 months of age and include disturbances of

(a) capacities to relate to people, events, and objects;

(b) speech, language and cognitive capacities;

(c) responses to sensory stimuli;

(d) developmental rates and/or sequences.

1096

(2) Characteristics and Descriptors:

(a) Typically onset before 30 months of age.

(b) Pervasive lack of responsiveness to other people.

Examples: Lack of interest in people, "sees through" or relates to people as if they are objects. In infancy, lack of attachment behavior (poor facial responsiveness, avoids cuddling, poor anticipatory posture). As toddlers, they tend not to follow parents around house or seek comfort. After five, failure to make personal friendships, lack of empathy, failure to perceive other people's feelings and responses resulting in inappropriate social behavior. The above are considered in the context of the student's abilities but cannot be explained by mental retardation only.

(c) Gross Defects in Language Development.

Examples: Marked delay in language development or lack of language development. Deficits in pre-language skills including early failure to show social imitation, delay in meaningful use of inappropriate use of objects, lack of imaginative creative pretend play, lack of varied babble. Impaired receptive language (difficulty in following simple instructions in novel context without the use of gesture, or in situations involving the combination of two or more ideas). May lack gesture and mime, may take adult by wrist rather than by hand to make need known, may point with entire hand rather than index finger. May not gesture at all.

(d) If speech is present, peculiar speech patterns such as immediate and delayed echolalia, metaphorical language, pronominal reversal.

Examples: Echoing what others say, using the pronoun "You" when "I" is the intended meaning, lack of to and from chatter with reciprocal interaction, difficulty in talking about anything outside of the immediate situation. Failure to develop abstract concepts and reasoning. Peculiar utterances used by the student, the meaning of which is not clear. Abnormal speech melody such as computer-like voice or question-like rises at the end of statements.

(e) Bizarre responses to various aspects of the environment.

Examples: Resistance to change, even catastrophic reactions to minor changes in the environment (e.g., screaming, destructive), peculiar interest in or attachment to objects (e.g., insists on always carrying a string or rubber band). Ritualistic compulsive and stereotyped behaviors with disturbances in response to sensory stimuli (e.g., close scrutiny of visual details, staring, prolonged regarding of hands or objects, attention to changing levels of illumination, hand flapping rocking, teeth grinding, close attention to self-induced sounds. Non-response or over-response to varying levels of sound, over- or under-response to touch, pain, temperatures, prolonged rubbing of surfaces, whirling without dizziness, preoccupation with spinning objects, repetitive sniffing, licking of inedible objects, posturing, darting-lunging movements, grimaces, and other self-stimulatory or self-injurious behaviors.

(f) Disturbances of Developmental Rates and Sequences.

Examples: Delays, arrests and/or regression occur among or within one or more pathways, e.g., gross motor was fine and/or motor development may be normal until age two when walking stops, speech may develop normally until 18 months when abruptly ceases, imitative behavior and/or speech may be delayed in onset until age three, followed by rapid acquisition to expected developmental level.

The above is distinguished from mental retardation only, in which developmental delays usually occur in all areas, and developmental sequences (social motor cognitive) remain coordinated. In mental retardation only, responses to sensory inputs, people and objects, and speech and language development are appropriate to the overall developmental level of cognitive functioning.

(g) Absence of Delusion, Hallucinations, loosening of Associations and Incoherence as in Schizophrenia.

(3) Assessment

Every student classified as SMH-Autistic will have assessment data in his/her records in:

(a) Developmental history

(b) Educational behavior (ex. including academic and language)

(c) Adaptive/social behavior

(d) Suggested use of scores on the "Autism Screening Instrument for Educational Planning" by Krug, Arick and Almond (a score of 77 on the ABC part suggests a high probability for classification of autism). Where in question, the instrument should be completed by both a parent and teacher. Another checklist which is available and recommended is The Rimland (E-2) Autism Checklist.

(e) Disclaimers for:

[1] Primary emotional disturbance

[2] Primary mental retardation (a majority of autistic students will have secondary mental retardation).

VII. CATEGORIES: VISUALLY IMPAIRED (BLIND AND PARTIALLY SIGHTED)

A. DEFINITION:

This category includes students having a visual handicap of such a degree that they are prevented from achieving success in the least restrictive environment without specialized instruction. The range of handicap varies from total blindness to mildly partially sighted. Program interventions may necessitate a self-contained class for the blind, a special resource room for the blind or visually handicapped, the services of an itinerant or resource teacher to help the child to succeed in assignments of the regular classroom, or the residential school for the blind.

B. CLASSIFICATION GUIDELINES:

An opthalmologist's report stating the diagnosis and description of the student's visual problem and indicating cause, acuity, and field of vision is necessary for diagnosis and classification.

C. EDUCATIONAL EVALUATION GUIDELINES:

All of the following information must be taken into consideration when determining the program placement of the student with visual impairment and in determining the extent of special programs necessitated.

1. Opthalmologist's diagnostic findings and recommendations.
2. Educational achievement of the student.
3. Social/emotional development.
4. Other handicapping conditions present in the student.
5. An assessment by a qualified teacher of the visually impaired as to the functioning level of the student in adjusting to visual problems and gaining educational and social successes.

VIII. CATEGORY: HEARING IMPAIRED - HARD OF HEARING

A. DEFINITION:

1. Hearing Impairment. A hearing impairment is a generic classification of hearing loss including the terms "deaf" and "hard of hearing."

   Hearing loss limits the transmission of sound signals through the human organs of hearing. It includes a conductive or sensorineural loss or combination thereof. A conductive loss results when sound pressure waves are obstructed in the outer or middle ear. A sensorineural loss results when there is damage to either the cochlea or auditory nerve. A combined loss occurs when all organs of hearing as described are affected.

2. Hard of Hearing. A hearing impairment, whether permanent or fluctuating, which adversely affects a child's education performance but which is not included under the category of "deaf" in this section.

B. CLASSIFICATION GUIDELINES:

Classification procedures for purposes of determining appropriate educational placement shall be those which will insure that instrumentation and administration be of a nondiscriminatory nature racially and culturally.

In order to provide a comprehensive view of the child's strengths and weaknesses from the perspective of the school, home and community, the evaluation procedures shall be multifactored and multisourced. No single procedure shall be used as the sole criteria for placement and/or programming.

Decisions related to the child's placement and education program will be based on the outcome of an evaluation placement team effort. This team shall be constituted of the following members:

1. A representative of the local education agency, other than the child's teachers, who is qualified to provide or supervise the provision of special education.

2. The child's teacher or teachers, special or regular, or both, who have a direct responsibility for implementing the child's individualized education program.

3. One or both of the child's parents.

4. Where appropriate, the child.

5. Other individuals at the discretion of the parent or agency.

C. EDUCATIONAL EVALUATION GUIDELINES

Any classification of student for education purposes should consist of a description of the type of education programs and services needed by each child to learn to the fullest extent possible in the least restrictive environment.

Educational placement must be appropriate to the needs of each child according to an individualized education program (IEP).

The evaluation/classification team shall be constituted as described in Rule II.C & D for purposes of initial evaluation procedures; placement decision as well as ongoing planning and decision making will be made by the IEP team, as described in Rule III.A & B.

Assessment information on the child should include that of language growth and development, speech intelligibility, auditory functioning, academic achievement, social development, psychomotor development, emotional and psychological development.

Quantitative measurements in decibels, discrimination scores, or by the qualitative terms of type of hearing loss, site of lesion, etc., must be considered only as important parameters in the diagnostic and educational process. Each child's potential must be assessed individually on the basis of not only degree of loss or type of loss but age of onset, intelligence, personality, age when education begins, quality of teaching, attitudes of family, school and community, a multitude of physiological and environmental conditions must be considered. Caution is advised in identifying, diagnosing and evaluating hearing impairments. The child study team must be aware of delimiting definitions to avoid rigid classification and stereotyping in the education placement of each hearing impaired child.

The results of this assessment should be expressed in terms of the child's strengths and needs. The assessment should be comprehensive, using a full range of available instrumentation and observations of behavior including personal case histories, diagnostic tests and other appropriate formal and informal measurements.

1. Areas of Evaluation

    a. Audiological Evaluation

        (1) Audiometric including:

            (a) Puretone audiometric testing yielding air and bone thresholds.

            (b) Aided threshold evaluations.

            (c) Speech audiometric tests yielding speech discrimination scores and speech reception thresholds.

(d) Impedance audiometry.

(e) Proper fitting and follow-up of hearing aids.

(f) Brainstem or other audiometric testing, as needed.

(2) Auditory Functioning including:

(a) Awareness

(b) Attention

(c) Localization

(d) Listening Skills

(e) Discrimination

(f) Memory

(g) Otoimmittance

b. Psychological Evaluation

Whenever intelligence tests are administered, steps should be taken to assure that the I.Q. scores, per se, will not be used in making inferences about the child's level of intelligence or learning potential; instead the full test (including protocols, content, subtests, etc.) should be interpreted by qualified personnel.

c. Language Evaluation

Language growth and development (signed, spoken, or written) includes:

(1) Standardized or other objective tests

(2) Subjective reports by teachers, parents and other appropriate persons

(3) Samples of child's sign language skills

(4) Samples of child's spoken language (taped)

(5) Samples of child's written creative composition

(6) Speech reading, as applicable

d. Speech Evaluation

Speech intelligibility includes:

(1) Phonetic evaluation

(2) Suprasegmental features (vocalization, vocal duration, vocal intensity, vocal pitch)

(3) Articulation of segmental features (vowels, diphthongs, consonants, blends)

e. Psycholinguistic Evaluation (vocalizations as above within linguistic structure)

f. Evaluation of Academic Achievement

(1) Standardized diagnostic evaluations

(2) Nonstandardized informal group and/or individual evaluations

g. Evaluation of Social and Emotional Development

An assessment should be made of the child's adaptive behavior in the school setting. Information should include:

(1) The child's adaptive behavior in the home, community, neighborhood and school as perceived by his parents and teachers

(2) The sociocultural background of the family

(3) The child's health and developmental history

h. Evaluation of Psychomotor Development

(1) Standardized diagnostic evaluations

(2) Nonstandardized informal evaluations

In using these assessment procedures constant attention should be focused on the possibility of learning problems other than those caused by loss of hearing.

A child may appear to have a hearing loss, when in actuality he has a central nervous system impairment. A central nervous system impairment results from a dysfunction along the pathways of the brain from the brain stem to and including the cerebral cortex. This impairment may be highly complex and frequently involves the symbolic processes of the mind in terms of receptive and expressive language. This condition may exist with or without an accompanying hearing loss. Every effort should be made to identify the child with such an impairment in order to identify and create programs that will meet his more complex needs.

2. Support Personnel and Services

Sufficient and appropriate support personnel and services should be made readily available in all educational placements. These should include, but not be limited to:

a. Resource, itinerant and/or classroom teachers

b. Audiological services, including impedance, tympanogram analysis, hearing aid analysis and periodic re-evaluations of hearing aid settings, diagnosis of aid or other malfunctions. This should also include an effective program of hearing aid monitoring.

c. Communication Disorders Specialists

d. Social workers, counselors, psychologists

e. Health services

f. Oral or manual interpreters

g. Note takers and tutors

IX. CATEGORY: HEARING IMPAIRED - DEAF

A. DEFINITION:

1. Hearing Impairment. A hearing impairment is a generic classification of hearing loss including the terms "deaf" and "hard of hearing."

   Hearing loss limits the transmission of sound signals through the human organs of hearing. It includes a conductive or senorineural loss or combination thereof. A conductive loss results when sound pressure waves are obstructed in the outer or middle ear. A sensorineural loss results when there is damage to the cochlea or auditory nerve. A combined loss occurs when all organs of hearing as described are affected.

2. Deaf. A hearing impairment so severe that the child is limited in processing linguistic information through hearing which can adversely affect educational performance.

B. CLASSIFICATION GUIDELINES:

Classification procedures for purposes of determining appropriate educational placement shall be those which will insure that instrumentation and administration be of a nondiscriminatory nature racially and culturally.

In order to provide a comprehensive view of the child's strengths and weaknesses from the perspective of the school, home and community, the evaluation procedures shall be multifactored and multisourced. No single procedure shall be used as the sole criteria for placement and/or programming.

Decision related to the child's placement and education program will be based on the outcome of an evaluation placement team effort. This team shall be constituted of the following members:

1. A representative of the local education agency, other than the child's teachers, who is qualified to provide or supervise the provision of special education.
2. The child's teacher or teachers, special or regular, or both, who have a direct responsibility for implementing the child's individualized education program.
3. One or both of the child's parents.
4. Where appropriate, the child.
5. Other individuals at the discretion of the parent or agency.

C. EDUCATIONAL EVALUATION GUIDELINES:

Any classification of students for education purposes should consist of a description of the types of education programs and services needed by each child to learn to the fullest extent possible in the least restrictive environment.

Educational placement must be appropriate to the needs of each child according to an individualized education program (IEP).

The child study team shall be constituted, as prescribed above for purposes of initial evaluation procedures and placement decisions as well as for ongoing planning and decision making.

Assessment information on the child should include that of language growth and development, speech intelligibility, auditory functioning, academic achievement, social development, psychomotor development, emotional and psychological development.

Quantitative measurements in decibels or percentages, discrimination scores, or by the qualitative terms of type of hearing loss, site of lesion, etc., must be considered only as important parameters in the diagnostic and education process. Each child's potential must be assessed individually on the basis of not only degree of loss or type of loss but on age of onset, intelligence, personality, age when education begins, quality of teaching, attitudes of family, school and community, a multitude of physiological and environmental conditions must be considered. Caution is advised in identifying, diagnosing and evaluating hearing impairments. The child study team must be aware of delimiting definitions to avoid rigid classification and stereo typing in the education placement of each hearing impaired child.

The results of this assessment should be expressed in terms of the child's strengths and needs. The assessment should be comprehensive, using a full range of available instrumentation and observations of behavior including personal case histories, diagnostic tests and other appropriate formal and informal measurements.

1. Areas of Evaluation

a. Audiological Evaluation

   (1) Audiometric including:

      (a) Puretone audiometric testing yielding threshold results

      (b) Aided threshold evaluations yielding aided threshold results

      (c) Speech audiometric tests yielding speech

(d) Discrimination scores and speech reception thresholds

(e) Proper fitting and follow-up of hearing aids

(2) Auditory Functioning, which may include:

(a) Awareness

(b) Attention

(c) Localization

(d) Discrimination

(e) Memory

(f) Brainstem evoked response

(g) Otoimmittance

b. Psychological Evaluation

Whenever intelligence tests are administered, steps should be taken to assure that the I.Q. scores, per se, will not be used in making inferences about the child's level of intelligence or learning potential; instead, the full test (including protocols, content, subtests, etc.) should be interpreted by qualified personnel.

c. Language Evaluation

Language growth and development (signed, spoken) includes:

(1) Standardized or other objective tests

(2) Subjective reports by teachers, parents and other appropriate persons

(3) Samples of child's sign language skills

(4) Samples of child's spoken language (taped)

(5) Samples of child's written creative composition

d. Speech Evaluation

Speech intelligibility includes:

(1) Phonetic evaluation

(2) Suprasegmental features (vocalization, vocal duration, vocal intensity, vocal pitch)

(3) Articulation of segmental features (vowels, diphthongs, consonants, blends)

e. Psycholinguistic Evaluation (vocalizations as above within linguistic structure)

f. Evaluation of Academic Achievement

(1) Standardized diagnostic evaluations

(2) Nonstandardized informal group and/or individual evaluations

g. Evaluation of Social and Emotional Development

An assessment should be made of the child's adaptive behavior in the school setting. Information should include:

(1) The child's adaptive behavior in the home, community, neighborhood and school as perceived by his parents and teachers

(2) The sociocultural background of the family

(3) The child's health and developmental history

h. Evaluation of Psychomotor Development

(1) Standardized diagnostic evaluations

(2) Nonstandardized informal evaluations

In using these assessment procedures, constant attention should be focused on the possibility of learning problems other than those caused by loss of hearing.

A child may appear to have a hearing loss when in actuality he has a central nervous system impairment. A central nervous system impairment results from a dysfunction along the pathways of the brain from the brain stem to and including the cerebral cortex. This impairment may be highly complex and frequently involves the symbolic processes of the mind in terms of receptive and expressive language. This condition may exist with or without an accompanying hearing loss. Every effort should be made to identify the child with such an impairment in order to identify and create programs that will meet his more complex needs.

2. Support Personnel and Services

Sufficient and appropriate support personnel and services should be made readily available in all educational placements. These should include, but not be limited to:

a. Resource, itinerant and/or classroom teachers

b. Audiological services, including tympanogram analysis, hearing aid analysis and periodic re-evaluations of hearing aid settings, diagnosis of aid or other malfunctions. This should also include an effective program of hearing aid monitoring.

c. Social workers, counselors, psychologists

d. Health services

e. Oral or manual interpreters

f. Note takers and tutors

X. CATEGORY: BEHAVIOR DISORDERED

A. DEFINITION:

A behavior disordered student is defined as one whose behavior or emotional conduct over time adversely affects his/her educational performance and requires special education services.

Behavior disordered is here used as a generic term covering many long or outstanding types of behavior difficulties which adversely affect educational performance, including the terms behaviorally handicapped, severely emotionally disturbed, and emotionally handicapped. The term does not include students who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.

B. CHARACTERISTICS AND SEVERITY DESCRIPTORS:

Characteristics commonly noted in behavior disordered students emphasize the following behaviors: Asocial/Aggressive; Inadequate/Immature; Psychological Disturbance/Personality Problems. Severity descriptors of these characteristics are given in the following examples.

1.	Asocial	Aggressive
Examples of Problem Areas:	This student gets into fights or quarrels more often than other students do.	This student behaves in ways which are dangerous to others and self.
Severe	Bullies others--hurts another student often. Initiates and encourages fights regularly. Mocks and spits at teachers, laughs at authority. Severely non-compliant.	Is sadistic and cruel to students and animals. Carries weapons and threatens violence. Hurts others often. Self-mutilating behavior. Fire setting.
Moderate	Fights regularly, acts tough. Must have own way or sulks. Teases others but stops short of fighting and quarreling. Hostile.	Runs, hits, grabs, pushes, jumps on people and is aggressive and uncontrolled. Is caustic. Acts impulsively. Deliberately disobeys safety rules. Destroys property often.
Mild	Doesn't pick fights but is regularly involved in them. Has many enemies	Is careless about using or moving equipment. Hurts others by playing too rough.

	from teasing. Not liked. Won't follow rules on playground. Kicks the ball away if doesn't get his/her way.	Very hyperactive on holidays and special occasions.

2.	Inadequate	Immature
Examples of Problem Areas:		
	This student makes inappropriate responses during normal school activities.	This student has no enthusiasm for school and does not respond to or maintain interest in learning tasks.
Severe	Often has temper tantrums. Cries easily, often frustrated and angered by other children and circumstances. Extremely sensitive. Extremely fearful.	Has a poor attitude toward school. Is interested only in play. Is far behind in all work and appears to have given up.
Moderate	Often talks or acts "babyish" when he/she needs help from the teacher. Will not assume responsibility, always blames other students. Lies to parents about treatment at school.	Has only a superficial interest in school. Seldom finishes assignments. Parts of assignments done sloppily, few correct answers but can do them correctly on a one-to-one basis.
Mild	Emits high shrill laughter, for no apparent reason. Out of seat constantly. Stares into space, daydreams. Talks out.	Is rather slow, finishes work with help. Often loses interest and has to be put back on task.

3.	Psychological Disturbance	Personality Problems
Examples of Problem Areas:		
	This student becomes sick or upset or may stay home from school when faced with a difficult situation.	This student seems unhappy or depressed.
Severe	Has frequent absences, tardiness and upset stomachs during normal school situations. Cries or complains of illness during normal tasks. Psychosomatic symptoms.	Totally withdrawn. Scowls and whines about everything. Cries daily. Extremely apathetic, mute.

	Laughs or cries inappropriately. Ex: crying when class has a party.	
Moderate	Might choose to stay home in the afternoon if the morning has been difficult. This student often stays home when something new is to be introduced.	Is a constant worrier. Is ill-at-ease and self-deprecating. Alone mostly. Never initiates interaction.
Mild	Is very quiet, becomes agitated and fearful when called on to answer a question. Makes excuses of sickness or injury to escape certain school activities.	Is very quiet but participates spontaneously. Responds to schools without joy or displeasure. Unhappy. Has few friends.

C. SUGGESTED SERVICE OPTIONS AND THE LEAST RESTRICTIVE ENVIRONMENT:

Generally, the mild-to-moderate behavior disordered student benefits from service to a combination of the regular and resource teacher or related services personnel in the regular class setting. These students should be carried on the resource teacher's roll book. Service options are explained in Table A of these *Rules and Regulations*. The moderate-to-severe student usually makes behavior changes by extended resource or self-contained service.

D. CLASSIFICATION GUIDELINES:

A complete formal and informal evaluation covering psycho-social-educational areas is required before classification as behavior disordered. One member of this team, in addition to the requirements for the composition of the team (See Rules II.D.1. and III.B.) must be a certified school psychologist, a licensed psychologist, a psychiatrist, a certified school counselor, a certified teacher of the behavior disordered, or a certified social worker.

Since many handicapped students have a secondary or overlying emotional problem, it will be necessary, before classifying a student as primarily behavior disordered, to determine that:

1. The student is not behaving as a behavior disordered student because of vision or hearing impairment.

2. The student is not *primarily* identified as manifesting one of the other handicapping conditions described in these *Rules and Regulations*.

E. ASSESSMENT FOR CLASSIFICATION:

1. Every student classified as behavior disordered will have documentation in his/her records regarding each of the following areas:

   a. Educational behavior

   b. Adaptive/social behavior

   c. Disclaimers for other handicaps including intellectual impairment

   Note: These disclaimers can be managed through statements in the cumulative records, interviews and class observation assessment. Many behavior disordered students have been found to have vision and hearing problems, particular emphasis should be placed on dealing with this issue. See the list below for further information.

2. Required Areas of Assessment

   a. Educational Behavior

   Types of information which may be included.

   .. classroom observation
   .. informal assessments
   .. teacher checklists
   .. teacher interviews
   .. cumulative records
   .. achievement scores

   b. Adaptive/Social Behavior

   Types of information which may be included.

   .. classroom behavior observation
   .. child's past and present patterns of interaction with peers, family, teachers, adults, etc.
      - teacher inventories
      - teacher checklists
      - family interviews
      - child interview
      - sociometric devices
      - interaction scales
   .. adaptive behavior functioning
   .. survival skills in community, home, school
      - parent interview
      - court records
      - anecdotal records
      - adaptive behavior scales

APPENDIX B

HOMEBOUND AND HOSPITALIZED

SERVICE PATTERN

FOR

HANDICAPPED STUDENTS

APPENDIX B

HOMEBOUND AND HOSPITALIZED SERVICE PATTERN FOR HANDICAPPED STUDENTS

I. Definition:

This program is an instructional program designed for identified handicapped students who are permanently or temporarily homebound or hospitalized.

II. Classification Guidelines:

The student must be identified and classified according to one of the ten handicapping conditions as described in the Rules and Regulations for Education Programs for the Handicapped. Diagnosis or classification of the student as belonging in one of the ten handicapping conditions follows one of the approved rules and regulations for diagnosing and evaluating according to that handicapping condition. (See Appendix A) The student must have an expected absence of at least two weeks.

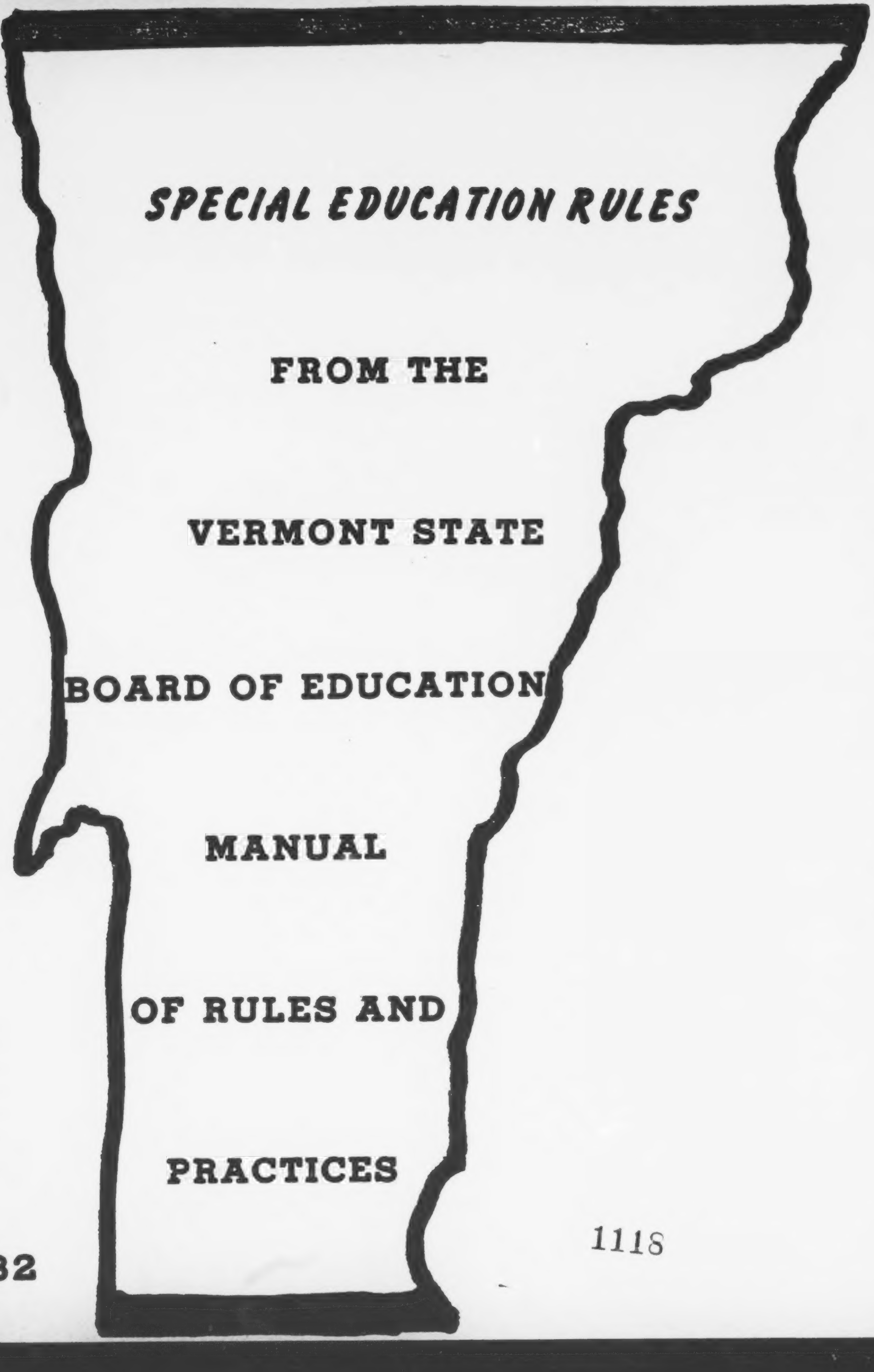
III. Educational Evaluation Guidelines:

Guidelines for educational evaluation of students according to the ten categories of handicapping conditions will prevail when considering students to be served through the homebound and hospitalized program. Procedures and tests appropriate to determine the educational prescription (IEP) for each student will be used by, or be available to, the teacher of the homebound/hospitalized. The service pattern has two forms:

A. Service to the identified handicapped student for whom the homebound or hospitalized service mode is determined to be the necessary service pattern. The student is a handicapped child, according to one of the ten handicapping conditions described by the State Board of Education; and it is determined that the educational needs must be met in a home or a hospital setting, at least on a long term basis.

B. The identified handicapped student who, for reasons of health, accident, or injury, is temporarily homebound or hospitalized. The teacher of the homebound/hospitalized should maintain contact with the teacher of the handicapped and/or the regular classroom teacher who has been serving the student in the school setting.

38. Vermont



SPECIAL EDUCATION RULES

FROM THE

VERMONT STATE

BOARD OF EDUCATION

MANUAL

OF RULES AND

PRACTICES

1118

5/82

(4) ESEA Title I (PL 89-313): This statute provides supplemental services to state-operated and state-supported schools which serve mentally and physically handicapped pupils. See section 2380 of this manual for a further description.

(5) Education Amendments of 1976, Title II, Vocational Education Subpart (PL 94-482): This statute requires that 10% of the vocational federal funds under subpart B be expended for handicapped pupils. It also requires that vocational education be provided to handicapped pupils in conformance with an individualized education program.

(6) Vermont State Plans for Special Education (FY 1978, '79, '80, '81-'83): Since the adoption of PL 94-142 (Education of All Handicapped Children Act), each state must assure the federal government of its plan to carry out the requirements of the law. The state plan describes the procedures to be followed in Vermont for meeting the requirements of PL 94-142.

2361 Definitions

2361.1 "Basic Skill Areas", for the purpose of determining eligibility for special education (2362), mean those curriculum areas that are considered prerequisite to independent functioning in school and society. Included are:

(1) oral expression;
(2) listening comprehension;
(3) written expression;
(4) basic reading skills;
(5) reading comprehension;
(6) mathematics calculation;
(7) mathematics reasoning.

2361.2 "Responsible agency" means, for the purposes of section 2360-2369, that public agency responsible for complying with requirements specified in these rules. The term includes: (a) the town, city, interstate, incorporated or union school district responsible under Vermont law for the education of legal residents of the town(s) which such district encompasses; or (b) the Vermont Department of Mental Health for pupils enrolled in the Eldred School/Vermont State Hospital and the Brandon Training School; or (c) for other pupils under the care and custody of a state agency, the school district responsible for the education of residents of the town in which the pupil is living, as provided for in 16 VSA §1075, 2948, unless otherwise agreed upon by the Commissioner.

2361.3 "Specialist" means an individual who possesses knowledge in the particular area for which information is sought and meets any applicable state licensing and certification requirements.

2361.4 "Special Education and Related Services" are defined as in state and federal statutes and regulations.

2362 Eligibility. To be determined eligible for special education, a pupil must (1) receive a comprehensive evaluation (2362.2) under the auspices of a Basic Staffing Team (2364.1), (2) meet one or more eligibility standards (2362.1) and (3) be in need of special education. A pupil is not in need of special education if that pupil meets one of the standards described in 2362 but whose condition does not adversely affect achievement under standard instructional conditions, including remedial or supplemental services, when available. These eligibility standards and criteria shall also be applied at the time the pupil receives a comprehensive re-evaluation.

2362.1 Eligibility Standards: To meet eligibility standards, one or more of the following handicapping conditions must be established:

NOTE: Please see "Information Circular #74 attached.

(1) (a) an impairment or delay in learning of sufficient magnitude that a pupil's performance falls at or below -1.5 standard deviations (or equivalent measure) on two or more tests (2362.2.5) in basic skills or aptitude, or

(b) a specific learning disability of a perceptual, conceptual, or coordinative nature as identified by a severe discrepancy between a pupil's ability and his or her achievement in a basic skills area. The discrepancy shall be greater than 1.5 standard deviations below the expected achievement level for a given ability level, and shall not be primarily the result of a visual, hearing, or motor handicap; mental retardation; emotional disturbance; or environmental, cultural, or economic disadvantage, or

(c) a visual impairment as evaluated by an optometrist or ophthalmologist in which central visual acuity is 20/70 or less in the better eye with correction, or that the peripheral field subtends an angle not greater than 20 degrees at its widest diameter, or

(d) a hearing impairment which an audiologist, otologist, or otolaryngologist determines to be at or below a 25 decibel HL threshold (ANSI, 69) for one or more of the frequencies 250-8000 HZ, and is severe enough to impede the pupil's acquisition of language or progress in the basic skill areas, or

(e) a speech impairment which a certified speech-language pathologist determines to be so deviant from normal speech or language of persons in that pupil's peer group that it is apparent in casual conversation or interferes with communication, or

(f) an orthopedic impairment caused by congenital anomaly, disease, or other condition which a physician determines to be severe enough to impede the acquisition of one or more basic skills, or

(g) a chronic or acute health impairment which limits a pupil's strength, vitality, or alertness and which a physician determines to be severe enough to impede the acquisition of basic skills. Included in health impairment is an autistic condition which is manifested by severe communication and other developmental and educational problems, or

(h) serious emotional disturbance which a psychologist or psychiatrist determines to be severe enough to impede the acquisition of basic skills. The term includes the following conditions exhibited over a long period of time and to a marked degree:

1. An inability to learn which cannot be explained by intellectual, sensory, or health factors;
2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
3. Inappropriate types of behavior or feelings under normal circumstances;
4. A general pervasive mood of unhappiness or depression; or
5. A tendency to develop physical symptoms or fears associated with personal or school problems.

or, (2) impairment(s) or delay(s), although outside the standards listed above, which are severe enough to require special education. Appropriate justification by the Basic Staffing Team shall be given in its written report (2362.2.6) including explanation as to why regular education, alone, cannot provide the type of instruction required to meet the pupil's needs. The Commissioner or a designee shall receive written notification when eligibility is determined outside the standards (a-h) under 2362.1.

2362.2 Comprehensive Evaluation

2362.2.1 Definition and Purpose

(1) A comprehensive evaluation is a compilation of information (2362.2.6) about a pupil (2362.2.4) designed to:

- (a) Assist the Basic Staffing Team in determining eligibility for special education,
- (b) Assist IEP participants in developing instructional goals and objectives, and
- (c) Assist instructors in making accommodations in curriculum, materials, and mode of presentation.

2362.2.2 Personnel

(1) Comprehensive evaluations shall be arranged for or conducted by a Basic Staffing Team (2364.1) with assistance, where appropriate, from other specialists (psychological, medical, etc.).

(2) Prior to the development of an evaluation plan, parents shall be given an opportunity to contribute information for consideration by the Basic Staffing Team, but shall not be considered members of the Basic Staffing Team except as a matter of local policy.

2362.2.3 Time Frame

(1) When a responsible agency determines that a pupil may be eligible for special education, a comprehensive evaluation shall be conducted without undue delay. When the comprehensive evaluation will be delayed for a period exceeding 45 days from date parental consent for evaluation is obtained, the parent shall be given written notice of the delay and a schedule of evaluation activities. Such notice shall be sent to parents within 10 days of expiration of the 45-day period.

(2) A comprehensive re-evaluation is required at least every three years or whenever the responsible agency proposes to significantly alter a pupil's program or placement. A major purpose of the comprehensive re-evaluation is to determine whether the pupil continues to be eligible under 2362.

2362.2.4 Evaluation and Procedures

In conducting a comprehensive evaluation or arranging for its conduct, the Basic Staffing Team shall compile sufficient and appropriate information so that necessary judgments concerning eligibility, placement, program planning, and accommodations can be made.

If a responsible agency fails to comply with the Commissioner's order, the Commissioner may impose appropriate sanctions including, but not limited to, the following:

(1) Withhold federal flow through monies that are generated under PL 94-142's formula assistance program.
(2) Withdraw all federal funds from the agency as provided for in §504 of the Rehabilitation Act of 1973, PL 93-112.
(3) Make alternative arrangements for providing an essential service and withhold the cost of such service from the state funds otherwise granted to the agency.
(4) Withhold accreditation or program approval.

2365 Specific Program Requirements

2365.1 Instructional Programs. Specially designed instruction shall be made available for handicapped pupils in a variety of educational programs: regular classes with modifications, consulting teacher/learning specialist programs, resource rooms, part-time and full-time special classes, special day schools, residential schools, and home and hospital instruction.

2365.1.1 Curriculum, Materials and Equipment. For each instructional program, appropriate and sufficient curriculum, equipment, and instructional materials shall be provided so that the goals and objectives of individual educational programs and other applicable general education requirements (2300) are met. The State Department of Education shall furnish responsible agencies with recommended guidelines concerning curriculum, equipment, and materials for various types of instructional programs.

2365.1.2 Class Size/Caseload. In determining an appropriate size or caseload, consideration shall be given to the unique educational requirements of the pupils who comprise the class roster or caseload. Adjustments shall be made to account for the nature and severity of the pupils' unique needs.

2365.1.3 Location of Classes: Special classes and resource rooms shall be located in facilities which house non-handicapped pupils of the same chronological age except when permission is granted by the Commissioner or a designee.

2365.2 Programs for Speech & Language Impaired. Responsible agencies shall develop an annual speech-language screening program. The population will be screened according to these guidelines: (1) all new pupils enrolled in the supervisory union, and (2) all students whose initial screening indicates a need for rescreening. Screening of additional grades may be conducted at the discretion of the superintendent.

2365.3 Programs for Visually Impaired. Such programs shall include the necessary low vision aids, technology, and training which enable visually impaired students to progress towards academic, social, and vocational goals.

2365.4 Programs for Orthopedic and Other Health Impaired. Programs that include pupils with orthopedic and other health impairments shall provide the necessary physical therapy, occupational therapy, consultation, special equipment, and accessibility to meet the needs of individualized education programs.

2365.5 Programs for the Hearing Impaired. Appropriate auditory equipment shall be provided in all programs for pupils who are deaf or hearing impaired. The curriculum shall emphasize group language training as well as the communication skills called for in individualized education programs.

2365.6 Programs for the Seriously Emotionally Disturbed. Such programs shall emphasize academic advancement commensurate with individualized education program goals and shall have a written program plan for the management and improvement of behavior of pupils enrolled.

2365.7 Homebound and Hospital Instruction. Pupils are eligible for homebound and hospital instruction whenever they are unable to attend school for a period of ten consecutive school days or more because of pregnancy or a medical disability.

Elementary pupils who receive homebound instruction shall receive an average of six hours per week; secondary students shall receive an average of two hours per subject. In any event, the schedule of instruction shall be consistent with medical recommendations. Instructional materials shall be provided by the district of attendance.

2365.8 Essential Early Education Programs.

2365.8.1 Definitions. "Essential Early Education" refers to education of handicapped children prior to legal school age for the early acquisition of fundamental skills.

39. West Virginia

West Virginia Department of Education
Office of Special Education Administration

REGULATIONS FOR THE EDUCATION OF EXCEPTIONAL STUDENTS

EFFECTIVE
October 1, 1983

2.2 BEHAVIOR DISORDERS

All common regulations apply to this program

A. PROGRAM DEFINITION

1. Definition of Population to be Served

Behavior disordered students manifest behaviors which have a deleterious effect on personal or educational development and/or the personal or educational development of others. Negative effects may vary considerably in terms of severity and prognosis. These behaviors may appear separately or in combination and may be exhibited in the form of acting out behaviors, withdrawing behaviors, defensive behaviors and/or disorganized behaviors.

2. Program of Study

a. The goal of a behavior disorders program is to provide the instruction and assistance necessary to enable the student to progress developmentally through the approved programs of study.

b. The behavior disorders program includes three (3) major components: behavior management, affective education, and academic instruction.

c. The program provides an environment that modifies or controls behavior problems, enhances the student's feelings of self-worth and develops the student's self-control so that appropriate learning can occur.

3. Eligibility Criteria

Documentation that a student exhibits one or more of the following characteristics, over a long period of time and to a marked degree, which adversely affect educational performances:

a. an inability to learn which cannot be explained by intellectual, sensory or health factors.

b. an inability to build or maintain satisfactory interpersonal relationships with peers and teachers.

c. inappropriate types of behavior or feelings under normal circumstances.

d. a general pervasive mood of unhappiness or depression.

e. a tendency to develop physical symptoms or fears associated with personal or school problems.

1127

g. behavior that is potentially harmful to the physical and mental well-being of self and others.

h. truancy, defiance of authority, aggressiveness or withdrawal associated with emotional problems.

i. an autistic condition which is manifested by severe communication and educational problems or a schizophrenic condition.

B. PROGRAM DELIVERY

1. Caseload

a. Regular Education with Modification

Assign no more than 12 students.

b. Regular Education Program with Resource Services

Assign no more than 12 students to a resource program with a limit of six students during any one instructional period.

c. Special Education Program: Self-Contained

(1) Assign no more than three students without a full-time aide.

(2) Assign no more than six students with a full-time aide.

(3) In the case of autistic students, assign no more than four (4) autistic students to a self-contained program. A full-time aide must be provided. Teachers providing service to autistic or autistic-like students must have completed a state approved teacher education program related to program objectives that address the education of autistic or autistic-like students.

C. PROGRAM ASSURANCES (Refer to Common Regulations)

2.3 COMMUNICATION DISORDERS
(Speech-Language Disorders)

All common regulations apply to this program

A. PROGRAM DEFINITION

1. **Definition of Population to be Served**

   Communication disordered students have language, voice, fluency, or articulation disorders which adversely affect their communication skills, educational performance, psychosocial adjustment, or vocational/career potential.

   1) **"Language disorder" means the deviant or delayed development, or loss following development, of the ability to comprehend, produce, or use language.**

      Language disorders are commonly found in students with hearing impairments, specific learning disabilities, mental retardation, severe emotional disturbances, and neurological impairments. Language disorders are also found in the absence of these disabilities, such as when lack of experience or environmental factors result in inadequate linguistic models for pupils.

   2) **"Voice disorder" means the abnormal production of voice characterized by defective vocal quality, pitch or loudness resulting from pathological conditions, psychogenic factors, or inappropriate use of the vocal mechanism.**

   3) **"Fluency disorder" means disruptions in the normal flow of speech that occur frequently or are markedly noticeable and are characterized by any of the following: repetitions or prolongations of sounds or syllables, blocks, hesitations, revisions, incomplete phrases, avoidance behavior, or ancillary movements indicative of stress or struggle.**

   4) "Articulation disorder" means the abnormal production of phonemes (classes or speech sounds) resulting from factors such as faulty learning, neuromotor impairment, sensory deficits, anatomical deficiencies or developmental lag.

2. Program of Study

   a. Speech-Language Programs means the activities, procedures, materials, services and clinical-instructional management required by students with communication disorders and provided by speech-language pathologists.

b. The speech-language program in the schools is defined as a special education program area for students whose primary handicapping condition is a communication disorder. For those students whose primary handicapping condition is other than a communication disorder, and who also evidence disorders in speech and language, the provision of speech and language programs and services is considered a related service.

c. The specific goals of the speech and language programs are to:

   1) identify children with speech-language-hearing disorders,

   2) assess and diagnose specific speech and language disorders,

   3) refer students for medical or other professional attention necessary for the clinical-instructional management of speech or language disorders,

   4) provide clinical-instructional services to students with speech-language disorders,

   5) provide indirect and consultative services to parents, teachers, administrators, other professionals, and support personnel, and

   6) provide a communication development program in the schools to promote the acquisition of adequate speech and language skills in all students.

d. Communication abilities occur along a continuum from adequate at one extreme to severely inadequate at the other; from minor development delays through more significant deviations to disorders that demand intensive clinical-instructional management.

3. Eligibility Criteria

   a. Diagnosis of one or more of the defined disorders in language, voice, fluency, or articulation by a speech-language pathologist, which is based upon documentation of speech and language behaviors that are inappropriate for the student's chronological age, nonverbal mental age, cognitive stage of development, sex, or cultural/social background.

   b. Verification that the disorders in language, voice, fluency, or articulation adversely affect the student's communication skills, educational performance, psychosocial adjustment, or vocational/career potential by documentation, such as teacher description, parent description, educational assessments, psychological evaluation, observations, etc.

   c. A student with a voice disorder shall not be considered for placement in a speech-language program without an evaluation and written recommendations by a laryngologist.

B. PROGRAM DELIVERY

1. Caseload

a. Caseloads for speech-language pathologists shall be flexible enough to provide for individualization of services in direct accord with student needs.

b. In no instance shall the maximum caseload for a speech-language pathologist providing services exceed 40 students.

c. Caseloads for a self-contained communication disorders program shall be determined on an individual basis upon application to the State Department of Education.

d. Speech-language pathologists serving students in more than one school shall provide services on a continuous basis (as opposed to block scheduling) to assure no undue delay in students receiving speech and language programs and services.

2.4 DEAF/BLIND

All common regulations apply to this program

A. PROGRAM DEFINITION

1. Definition of Population to be Served

   Deaf/Blind students have auditory and visual handicaps, the combination of which cause such severe communication and other developmental and educational problems that they cannot properly be accommodated in special education programs solely for the hearing handicapped or for the visually handicapped student.

2. Program of Study

   a. Deaf/blind students are taught to use a communication system effectively, because so many areas of development depend on the ability to send and receive signals about the environment.

   b. The needs of deaf/blind resemble those of other students. Development must be encouraged in cognitive, motor, and self-help areas.

3. Eligibility Criteria

   a. Audiological diagnosis of a hearing loss by a certified audiologist.

   b. Otological diagnosis of a hearing loss by a licensed physician.

   c. Diagnosis of a visual impairment by a licensed optometrist or ophthalmologist. This impairment may be recorded in terms of visual acuity, visual field limitations, progressive eye disease or binocular vision.

   d. Verification through educational and adaptive behavior assessment that the hearing and vision impairments are developmentally and educationally handicapping.

B. PROGRAM DELIVERY

1. Caseload

   a. Regular Education Program with Resource Services

      Assign no more than six (6) students to a resource program.

   b. Special Education Program: Self-Contained

      Assign no more than three (3) students with a full-time aide.

2. Facilities

a. Locate each classroom for the deaf/blind within easy accessibility to other appropriate facilities.

b. Locate each self-contained classroom for the deaf/blind on the ground floor, unless an elevator assures accessibility to other floors.

c. Acoustical Considerations - installation of acoustical plaster and tile (appropriate amount on walls and ceilings), window shades or drapes, and carpeting shall be provided for resource and special class facilities.

d. Assure that each facility serving the deaf/blind student has:

1) direct or convenient access to out-of-doors for evacuation during an emergency;

2) building entrance at ground level or equipped with an appropriate ramp with gradients (should follow American Standards for slope);

3) loading and unloading locations for buses and other means of transportation situated in a safe area away from hazards;

4) toilet room, drinking fountain, and lavatories appropriately equipped for orthopedically impaired individuals, including necessary safety grab bars and at least one stall designed to accommodate a wheelchair, towel dispensers and other dispensers mounted within the reach of individuals in wheelchairs (toilet room shall be in easy access to the classroom);

5) floors of a non-skid nature and free of excessive wax with carpeted or padded area in the classroom;

6) adequate space and equipment provided, both indoors and outdoors, for physical activities and recreation and appropriate therapy and related services;

7) lunchroom facilities including furniture, eating utensils and equipment suitable to the individual needs of the students;

8) all doorways clear thirty-two (32) inches when open and operable by a single effort (doors should be durable and equipped with kick-plates; long grasping bars, rather than doorknobs, are preferred). Thresholds to outside and inside doors should be kept at a minimum--eliminated completely, if possible;

9) adequate space for storage and handling of special materials and equipment;

10) switches and controls for lights, heat, ventilation, windows, draperies, door locks, fire alarms and all similar controls shall be placed within the reach of individuals in wheelchairs and adapted for the population served; and

11) other West Virginia regulations and specifications as outlined in the West Virginia Code, Chapter 18, Article 10F, and the current standards of the American National Standard Institute (ANSI).

3. Instructional Materials, Equipment and Supplies

Specialized equipment such as handrails, adjustable seats and desks, tables of varying sizes to accommodate body clearance for wheelchairs, chairs on rollers, cots, portable reading racks, electric or manual typewriters, low chalkboards, standing table, relaxation chair, changing table, wheelchairs, walkers, parallel bars, posture mirror, floor mat, prone stander, ambulatory devices, rolls, wedges, therapy ball, eating, dressing, grooming aids, positioning aids, pressure relief devices, bolsters, corner chairs and standing bars provided when necessary and as recommended by the physician and/or physical therapist and/or occupational therapist and/or classroom teacher shall be provided as specified in the Individualized Education Program.

C. PROGRAM ASSURANCES (Refer to Common Regulations)

1134

2.5 GIFTED

All common regulations apply to this program

A. PROGRAM DEFINITION

1. Definition of Population to be Served

   Gifted students have exceptional intellectual abilities that are evidence of outstanding performance capability, and who, by reason thereof, require differentiated educational programs and/or services beyond those normally provided by the regular school program.

2. Program of Study

   a. The program places emphasis on the expansion of areas of study and learning outcomes through specially designed educational experiences that move or increase the student's functioning within higher levels of the cognitive domain.

   b. The Individualized Education Program should address the provision of intellectually challenging educational experiences within the program of studies.

   c. Programs of study for intellectually gifted students will be developed by July 1, 1984.

3. Eligibility Criteria

   a. Documentation that after administration of a comprehensive individual test of intellectual ability, a student scores two or more standard deviations above the mean, or

   b. When the multidisciplinary assessment team finds evidence that the student may be handicapped, economically disadvantaged, or have English as a second language, additional assessment data shall be collected. If the student is subsequently found to be handicapped, economically disadvantaged, or to have English as a second language, this student shall be eligible for placement upon documentation that the student has scored two or more standard deviations above the mean on a verbal, or a nonverbal scale on an individual comprehensive test of intellectual ability, in consideration of one standard error of measurement. (State procedures to identify the handicapped, economically disadvantaged, and English as a second language gifted population will be established by January, 1984.)

B. PROGRAM DELIVERY

1. Caseload

   a. Regular Education Program with Modification

      Assign no more than 30 students.

1135

b. Regular Education Program with Resource Services

1) Assign no more than 30 students to a resource program.

2) Assign no more than 15 students during any one instructional period.

c. Special Education Program: Self-Contained

Assign no more than 12 students to a self-contained program.

2. Instructional Materials, Equipment and Supplies

Individuals identified as gifted have access to classrooms, materials, and equipment appropriate to their level of performance and needs as identified by the Individualized Education Program, rather than their chronological age or grade placement.

C. PROGRAM ASSURANCES (Refer to Common Regulations)

- 1136

2.6 HEARING IMPAIRED

All common regulations apply to this program

A. PROGRAM DEFINITION

1. Definition of Population to be Served

Hearing impaired students are those whose auditory acuity delays prohibit the development of speech, language and academic achievement and are classified as deaf or hard of hearing. The generic term hearing impaired is to include every student with a hearing loss whether permanent or fluctuating that is developmentally and educationally handicapping.

a. The hard-of-hearing student is:

1) Educational Interpretation

(a) A hearing impaired student in whom the sense of hearing although defective is functional with or without a hearing aid, but whose hearing loss causes a language deficit rendering him unable to make full use of the regular school experience without special services.

(b) A hearing impaired student characteristically speaks defectively, misunderstands others, learns vocabulary and sentence structure more slowly or to a lesser extent than does the normal hearing student.

2) Audiological Interpretation - A hearing impaired student who has a hearing loss in his better ear that averages 26 dB to 92 dB in the speech range without a hearing aid.

b. The deaf student is:

1) Educational Interpretation - A hearing impaired student with profound or total loss of auditory sensitivity, which under the most ideal listening and hearing-aid conditions, does not allow him to hear the speech signal or perceive so little of it that hearing cannot serve as a modality for acquisition of spoken language, or for the monitoring of speech, without special education.

2) Audiological Interpretation - A hearing impaired student who has a hearing loss approaching an average of 93 dB or greater across the speech range in the better ear without a hearing aid.

2. Program of Study

a. The number of students, the degree of hearing impairment, the etiology of the hearing loss, the extent that the hearing impairment affects each student's academic achievement, the current level of oral and written communication and the major methods of communication are considered in developing a program to meet individual needs. Methods of communication are emphasized because as children differ in academic achievement and interest rate, so do they differ in their preferred methods of communication.

b. One goal of programs for the hearing impaired is that hearing impaired children receive their educational opportunities in the method of communication which they have the inclination to pursue.

c. Special curricula are developed in language/speech, activities for daily living, communication skills, auditory perception/discrimination, adaptive behavior skills and training in the use of residual hearing.

d. Curricula for all academic areas include coordination with regular programs and adaptations to include the special information which hearing impaired students are taught because of their handicap.

e. Related services are to be provided for each hearing impaired student based upon identified and clearly stated individual needs such as: (1) amplification electroacoustically monitored by the school audiologist on an annual basis; and (2) notetakers and/or interpreter/tutors provided to hearing impaired students integrated into regular classes.

3. Eligibility Criteria

a. Audiological diagnosis of hearing loss by a certified audiologist;

b. Otological examination and diagnosis by a licensed physician; and

c. Verification through educational assessment that the hearing loss is developmentally and educationally handicapping.

d. Provide on an annual basis:

1) An annual audiological evaluation.

2) An annual electroacoustical analysis of the hearing aid.

B. PROGRAM DELIVERY

1. Caseload

a. Regular Education Program with Modification

Assign no more than 20 students.

b. Regular Education Program with Resource Services

1) Assign no more than 10 students to a resource program.

2) Assign no more than five students during any one instructional period.

c. **Special Education Program: Self-Contained**

1) Assign no more than four students without a full-time aide.

2) Assign no more than eight students with a full-time aide.

2. **Facilities**

a. Any facility serving the hearing impaired shall be equipped with life safety standards (including visual warning systems, such as red flasher firelights).

b. Classrooms used for the hearing impaired have sound levels of 30 to 35 dB on the A scale of a sound level meter in an empty classroom which has normal activity in adjacent areas.

c. Acoustical Considerations - installation of acoustical plaster and tile (appropriate amount on walls and ceilings), window shades or drapes, and carpeting shall be provided for resource and special class facilities.

3. **Instructional Materials, Equipment and Supplies**

As specified in the Individualized Education Program, hearing impaired students have access to: a curriculum resource center; captioned decoders; captioned film materials; film rentals not available through captioned films; listings of high-interest low-reading level books; computers and computer training; camera, film and processing; telephone typewriter devices (TTD); and video tape recorders with all related equipment (camera, audio, etc.).

4. **Interpreter Services**

Interpreter or tutor services for a hearing impaired student must be provided if specified in the Individualized Education Program.

C. PROGRAM ASSURANCES (Refer to Common Regulations)

2.7 MENTALLY IMPAIRED

2.71 Educable Mentally Impaired

All common regulations apply to this program

A. PROGRAM DEFINITION

1. Definition of Population to be Served

   Mentally impaired students have significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

   GENERAL INTELLECTUAL FUNCTIONING is defined as the results obtained by assessment with one or more of the individually administered general intelligence tests developed for that purpose.

   SIGNIFICANTLY SUBAVERAGE is defined as intelligence quotient (IQ) more than two standard deviations below the mean for the test.

   ADAPTIVE BEHAVIOR is defined as the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected for his/her age and cultural group.

   DEVELOPMENTAL PERIOD is defined as the period of time between birth and the 18th birthday.

   Functionally, the term "educable mentally impaired" refers to those persons characterized by a level of mental development which is impaired to the extent that the student requires special education services, but is able to function independently in society.

2. Program of Study

   a. The program places emphasis on the teaching of skills and concepts that are functional, age appropriate and considered to be necessary for performance in out-of-school environments.

   b. Programs for the mentally impaired include learning outcomes encompassing skills which enhance their ability to effectively interact with objects, events, and people across environments.

3. Eligibility Criteria

   a. Determination of the general intellectual functioning of the student. The intelligence range for consideration shall be fifty to seventy (50-70), in consideration of one standard error of measurement.

b. Determination of the student's level of adaptive behavior, which includes the consideration of all items listed below:

  1) The student's level of adaptive behavior in areas such as motor development, self-help, social/affective vocational, etc., is not commensurate with his/her chronological age peers.

  2) Current achievement levels in such areas as basic reading skills, reading comprehension, math computation and spelling, etc., are:

    (a) at least two (2) or more standard deviations below the means on standardized measures or;

    (b) a consensus from the multidisciplinary team that the student's adaptive behavior on a non-standardized measure is not commensurate with chronological age.

c. Verification that subaverage intellectual functioning exists concurrently with deficits in adaptive behavior.

B. PROGRAM DELIVERY

1. Caseload

  a. Regular Education Program with Resource Services

  Assign no more than 20 students to a resource program with a limit of 15 during any one instructional period.

  b. Special Education Program: Self-Contained

    1) Assign no more than eight students without a full-time aide.

    2) Assign no more than 15 students with a full-time aide.

2. Instructional Materials, Equipment and Supplies

The classroom is furnished with equipment allowing for multi-sensory instruction that is age appropriate.

C. PROGRAM ASSURANCES (Refer to Common Regulations)

2.72 Trainable Mentally Impaired

All common regulations apply to this program

A. PROGRAM DEFINITION

1. Definition of Population to be Served

Mentally impaired students have significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

GENERAL INTELLECTUAL FUNCTIONING is defined as the results obtained by assessment with one or more of the individually administered general intelligence tests developed for that purpose.

SIGNIFICANTLY SUBAVERAGE is defined as intelligence quotient (IQ) more than two standard deviations below the mean for the test.

ADAPTIVE BEHAVIOR is defined as the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected for his/her age and cultural group.

DEVELOPMENTAL PERIOD is defined as the period of time between birth and the 18th birthday.

Functionally, the term "trainable mentally impaired" refers to those students characterized by a level of mental development which is impaired to the extent that the student is unable to benefit from the standard school program, requires special services, and may function semi-independently in society.

2. Program of Study

a. The program places emphasis on the teaching of skills and concepts that are functional, age appropriate, and considered to be necessary for performance in out-of-school environments. To accomplish this, a full continuum of programs is to be available at all instructional levels.

b. Programs for the mentally impaired include learning outcomes encompassing skills which enhance their ability to effectively interact with objects, events, and people across environments.

3. Eligibility Criteria

a. Determination of the general intellectual functioning of the student. The intelligence range for consideration shall be twenty-five to fifty (25-50), in consideration of one standard error of measurement.

1142

b. Adaptive behavior - verification of the individual's level of adaptive behavior which includes the consideration of the following:

> The student's level of adaptive behavior in areas such as motor development, self-help, social/affective, language development, vocational, etc., is not commensurate with his/her chronological age peers.

c. Verification that subaverage intellectual functioning exists concurrently with deficits in adaptive behavior.

B. PROGRAM DELIVERY

1. Caseload

Special Education Program: Self-Contained

> Assign no more than 15 students with a full-time aide.

2. Facilities

a. Locate each self-contained classroom for the trainable mentally impaired handicapped on the ground floor, unless an elevator assures accessibility to other floors and there is a gound level egress on the floor where the classroom is located.

b. Assure that each facility serving the trainable mentally impaired student has:

1) direct or convenient access to out-of-doors for evacuation during an emergency;

2) building entrance at ground level or equipped with an appropriate ramp with gradients should follow American National Standards Institute (ANSI);

3) loading and unloading locations for buses and other means of transportation situated in a safe area away from hazards;

4) toilet room, drinking fountain, and lavatories appropriately equipped for orthopedically impaired individuals, including necessary safety grab bars and at least one stall designed to accommodate a wheelchair, towel dispensers and other dispensers mounted within the reach of students in wheelchairs (toilet room shall be in easy access to the classroom);

5) floors of a non-skid nature and free of excessive wax with carpeted or padded area in the classroom;

6) adequate space and equipment provided, both indoors and outdoors, for physical activities and recreation and appropriate therapy and related services;

7) lunchroom facilities including furniture, eating utensils and equipment suitable to the individual needs of the student;

8) all doorways clear thirty-two (32) inches when open and be operable by a single effort (doors should be durable and equipped with kick-plates; long grasping bars, rather than doorknobs, are preferred). Thresholds to outside and inside doors should be kept at a minimum -- eliminated completely, if possible;

9) adequate space for storage and handling of special materials and equipment;

10) switches and controls for lights, heat, ventilation, windows, draperies, door locks, fire alarms and all similar controls shall be placed within the reach of students in wheelchairs and adapted for the population served;

11) other West Virginia regulations and specifications as outlined in the West Virginia Code, Chapter 18, Article 10F, and current standards of the American National Standard Institute (ANSI).

3. Instructional Materials, Equipment and Supplies

a. The classroom is furnished with equipment for multi-sensory instruction that is age appropriate and any special equipment needed to meet the specific educational goals and objectives listed on the Individualized Education Program.

b. Specialized equipment (such as handrails, adjustable seats and desks, tables of varying size to accommodate body clearance for wheelchairs, chairs on rollers, cots, portable reading racks, electric or manual typewriters, low chalkboards, standing table, relaxation chair, changing table, wheelchairs, walkers, parallel bars, posture mirror, floor mat, prone stander, ambulatory devices, rolls, wedges, therapy ball, eating, dressing, grooming aids, positioning aids, pressure relief devices, bolsters, corner chairs and standing bars as recommended by the physician and/or occupational therapist and/or classroom teacher) shall be provided as specified in the Individualized Education Program.

C. PROGRAM ASSURANCES (Refer to Common Regulations)

1144

2.73 Profoundly Mentally Impaired

All common regulations apply to this program

A. Program Definition

1. Definition of Population to be Served

Mentally impaired students have significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

GENERAL INTELLECTUAL FUNCTIONING is defined as the results obtained by assessment with one or more of the individually administered general intelligence tests developed for that purpose.

SIGNIFICANTLY SUBAVERAGE is defined as intelligence quotient (IQ) more than two standard deviations below the mean for the test.

ADAPTIVE BEHAVIOR is defined as the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected for his/her age and cultural group.

DEVELOPMENTAL PERIOD is defined as the period of time between birth and the 18th birthday.

Functionally, the term "profoundly mentally impaired" refers to those students characterized by a level of mental development which is impaired to the extent that the student is unable to benefit from the standard school program, requires special services, and functions dependently in society.

2. Program of Study

a. The program places emphasis on the teaching of skills and concepts that are functional, age appropriate and considered to be necessary for performance in out-of-school environments. To accomplish this a full continuum of programs is to be available at all instructional levels.

b. Programs for the mentally impaired include learning outcomes encompassing skills which enhance their ability to effectively interact with objects, events, and people across environments.

3. Eligibility Criteria

a. Determination of the general intellectual functioning of the student. The intelligence range for consideration shall be below twenty-five (25), in consideration of one standard error of measurement.

b. Adaptive behavior - verification of the individual's level of adaptive behavior which includes the consideration of the student's level of adaptive behavior in areas such as motor development, self-help, social/affective, language development, vocational, etc., is not commensurate with his/her chronological age peers.

c. Verification that subaverage intellectual functioning exists concurrently with deficits in adaptive behavior.

B. PROGRAM DELIVERY

1. Caseload

Special Education Program: Self-Contained

Assign no more than six students with a full-time aide.

2. Facilities

a. Locate each self-contained classroom for the profoundly mentally impaired on the ground floor, unless an elevator assures accessibility to other floors and there is ground level egress on the floor where the classroom is located.

b. Assure that each facility serving the profoundly mentally impaired student has:

1) direct or convenient access to out-of-doors for evacuation during an emergency;

2) building entrance at ground level or equipped with an appropriate ramp with gradients should follow American National Standards Institute (ANSI);

3) loading and unloading locations for buses and other means of transportation situated in a safe area away from hazards;

4) toilet room, drinking fountain, and lavatories appropriately equipped for orthopedically impaired individuals, including necessary safety grab bars and at least one stall designed to accommodate a wheelchair, towel dispensers and other dispensers mounted within the reach of individuals in wheelchairs (toilet room shall be in easy access to the classroom);

5) floors of a non-skid nature and free of excessive wax with carpeted or padded area in the classroom;

6) adequate space and equipment provided, both indoors and outdoors, for physical activities and recreation and appropriate therapy and related services;

7) lunchroom facilities including furniture, eating utensils and equipment suitable to the individual needs of the student;

8) all doorways clear thirty-two (32) inches when open and be operable by a single effort (doors should be durable and equipped with kick-plates; long grasping bars, rather than doorknobs, are preferred). Thresholds to outside and inside doors should be kept at a minimum -- eliminated completely, if possible;

9) adequate space for storage and handling of special materials and equipment;

10) switches and controls for lights, heat, ventilation, windows, draperies, door locks, fire alarms and all similar controls shall be placed within the reach of students in wheelchairs and adapted for the population served;

11) other West Virginia regulations and specifications as outlined in the West Virginia Code, Chapter 18, Article 10F, and the American National Standard Institute (ANSI), A117.1961 (r. 1971).

3. Instructional Materials, Equipment and Supplies

Specialized equipment (such as handrails, adjustable seats and desks, tables of varying size to accommodate body clearance for wheelchairs, chairs on rollers, cots, portable reading racks, electric or manual typewriters, low chalkboards, standing table, relaxation chair, changing table, wheelchairs, walkers, parallel bars, posture mirror, floor mat, prone stander, ambulatory devices, rolls, wedges, therapy ball, eating, dressing, grooming aids, positioning aids, pressure relief devices, bolsters, corner chairs and standing bars recommended by the physician and/or occupational therapist and/or classroom teacher) shall be provided as specified in the Individualized Education Program.

C. PROGRAM ASSURANCES (Refer to Common Regulations)

2.8 PHYSICALLY HANDICAPPED

All common regulations apply to this program

A. PROGRAM DEFINITION

1. Definition of Population to be Served

Physically handicapped students have physical impairments which may be congenital or caused by accident or disease, resulting in permanent, temporary, or intermittent medical disabilities. These impairments require modification in curriculum, instructional strategies, and/or a need for related services. The type, extent and/or duration of services are determined by the nature of the individual's disability. For purposes of further clarification and delineation, the term physically handicapped in these regulations shall include:

Orthopedically impaired - impairments caused by congenital anomaly (e.g., spina bifida, congenital amputation, osteogenesis imperfecta, etc.), impairments caused by disease (e.g., osteomyelitis, poliomyelitis, arthritis, etc.), and impairments from other causes (e.g., amputation, cerebral palsy, dystrophies and atrophies, and conditions which cause contractures, etc.); and

Other health impaired - impairments of limited strength, vitality, or alertness due to chronic or acute health problems such as heart condition, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, cystic fibrosis, cancer or diabetes.

2. Program of Study

a. Because of the uniqueness of each physically handicapped student, the philosophy of the curriculum evolves from a broad base of varying philosophies, instructional strategies or procedures, environmental arrangements, equipment, materials, learning activities, skill sequences, and/or criteria for successful performance which are specified for daily activities in the classroom.

b. Specialized curricular areas individually considered for a physically handicapped student are: physical, psychological, and emotional adjustment to a physical disability, including treatment, care, and maintenance; death and dying; use of prosthetic and orthotic devices; eating, dressing, toileting, physical mobility, and personal hygiene; basic communication (e.g. use of communication devices, bliss symbols, signing, etc.); and specialized curricular areas utilized with associated disabilities.

3. Eligibility Criteria

a. Documentation/verification of confirmation and diagnosis of a physical impairment by a licensed physician.

b. Verification through psycho-educational assessment(s) that the physical impairment affects normal learning processes.

c. Documentation of physical assessment which includes gross motor skills, fine motor skills and self-help skills.

B. PROGRAM DELIVERY

1. Caseload

a. Regular Education Program with Modification

Assign no more than 20 students.

b. Special Education Program with Resource Services

Assign no more than 15 students with a full-time aide.

c. Special Education Program: Self-Contained

Assign no more than 10 students with a full-time aide.

2. Facilities

a. Each self-contained or resource classroom for the physically handicapped shall be located on the ground floor, unless an elevator assures accessibility to other floors and there is a ground level egress on the floor where the classroom is located. Additionally, there must be:

1) a building entrance at ground level or equipped with an appropriate ramp with gradients (must follow American National Standard Institute (ANSI) codes);

2) toilet room, drinking fountain, and lavatories appropriately equipped for students, including necessary safety grab bars and at least one stall designed to accommodate a wheelchair, towel dispensers and other dispensers mounted within the reach of students in wheelchairs (toilet room shall be in easy access to the classroom);

3) all doorways clear thirty-two (32) inches when open and be operable by a single effort (doors should be durable and equipped with kick-plates; long grasping bars, rather than doorknobs, are preferred). Thresholds to outside and inside doors should be kept at a minimum - eliminated completely, if possible;

4) floors of a non-skid nature and free of excessive wax with carpeted or padded area in the classroom;

5) access to any hazardous areas should be eliminated (e.g., electrical boxes, etc.);

6) switches and controls for lights, heat, ventilation, windows, draperies, door locks, fire alarms, and all similar controls shall be placed within the reach of students in wheelchairs and adapted for the population served;

7) compliance with other West Virginia regulations and specifications as outlined in the West Virginia Code, Chapter 18, Article 10F and the American National Standard Institute (ANSI) is required.

b. In considering program accessibility and fire safety regulations, the Placement Advisory Committee must determine buildings and classrooms which will provide protection for the physically handicapped student (particularly the student in a wheelchair or mobility involved) in case of emergency evacuations.

c. Loading and unloading locations for buses and other means of transportation are situated in safe areas and away from hazards.

3. Instructional Materials, Equipment and Supplies

Specialized equipment (such as handrails, adjustable seats and desks, tables of varying sizes to accommodate body clearance for wheelchairs, chairs on rollers, cots, portable reading racks, electric or manual typewriters, communication devices, low chalkboards, standing table, relaxation chair, changing table, wheelchairs, walkers, special toileting chairs, lap trays, adapted writing devices, parallel bars, posture mirror, floor mat, prone stander, ambulatory devices, rolls, wedges, therapy ball, eating, dressing, grooming aids, positioning aids, pressure relief devices, bolsters, corner chairs and standing bars when recommended by the physician and/or physical therapist, and/or occupational therapist and/or classroom teacher) shall be provided as specified in the Individualized Education Program.

C. PROGRAM ASSURANCES (Refer to Common Regulations)

2.9 PRESCHOOL HANDICAPPED

All common regulations apply to this program

Note

Chapter 18, Article 20, of the West Virginia Code, entitled "Education of Exceptional Children," provides permissive legislation for the provision of special education and related services to exceptional children under the age of five. The purpose for the inclusion of the Preschool Handicapped regulations is not to require the provision of special education and related services to the preschool handicapped population, but is to provide minimal requirements for those county boards of education electing to provide services to this population. The policies and procedures contained within this document shall also be followed in providing services to the preschool handicapped population.

A. PROGRAM DEFINITION

1. Definition of Population to be Served

   Preschool handicapped children are those children under the age of five who evidence a significant developmental delay in one or more of the following areas: cognition, fine and/or gross motor, receptive and/or expressive language, and social/emotional.

2. Program of Study

   a. The goal for the preschool handicapped child is the same as for his non-handicapped peers: the acquisition of skills in all developmental areas, i.e., language, cognition, motor, social-emotional, and in a manner which promotes independence and readiness for academic learning. To achieve this goal, the preschool handicapped curriculum should provide for a program of instruction which emphasizes skill development in an integrated manner, rather than skill development in isolation.

   b. A comprehensive developmental program for preschool handicapped children shall incorporate the necessary related services, i.e., speech-language pathology, physical therapy, occupational therapy, psychology and social services. These services may be provided through interagency contracts/agreements, consultant services and/or direct employment of support personnel.

   c. The service delivery system focuses on preparing a child for the maximum possible participation in a regular educational setting. When a child reaches school age (CA-5), appropriate placement will correspond to the continuum of services outlined in this document.

d. State procedures to develop program standards to further develop preschool handicapped and kindergarten handicapped programs will be established prior to January 1, 1984.

3. Eligibility Criteria

   a. Documentation that the child exhibits a delay of one (1) year below chronological age in one (1) or more of the designated developmental areas; or, documentation that the child is functioning at, or lower than, 75% of the normal rate of development; or

   b. Verification that the child possesses a sensory impairment. Verification will be in accordance with Eligibility Criteria delineated in the Deaf-Blind, Hearing Impaired or Visually Impaired program regulations.

B. PROGRAM DELIVERY

1. Placement

   a. Local education agencies may choose to serve the identified preschool handicapped population through either categorical placement options or through preschool handicapped models.

   b. There are three models appropriate for providing services to the young child with special needs: home-based services, center-based program, or a combination of home-based services and a center-based program. Other service delivery options may be employed (such as indirect support within a regular classroom setting) according to the identified needs of the child, and as specified within the Individualized Education Program.

2. Time Allotments

   a. Home-based programs will provide training and assistance to parents of the child, within the home setting on a regular basis - minimum of one hour, one day per week.

   b. Center/School based programs will provide instructional programming for preschool handicapped children ages three through five, with a minimum of three instructional days per week.

3. Caseload

   a. Home-Based

      Assign no more than 15 preschool children to a home-based teacher.

   b. Center/School Based

      Assign no more than eight preschool children with a full-time aide.

C. PROGRAM ASSURANCES (Refer to Common Regulations)

2.10 SPECIFIC LEARNING DISABILITIES

All common regulations apply to this program

A. PROGRAM DEFINITION

1. Definition of Population to be Served

Specific learning disability students have a disorder of one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. The term does not include a learning problem which is primarily the result of a visual, hearing, or motor handicap, of mental retardation, or of environmental or cultural differences or economic disadvantage.

2. Program of Study

a. The specific learning disabilities program provides instruction that enables the learning disabled student to achieve the learning outcomes in an integrated, sequential and developmental manner to the maximum extent.

b. The instructional program addresses the manner in which a child learns, as well as developmental levels.

3. Eligibility Criteria

a. Documentation through comprehensive evaluation that the individual:

1) does not achieve commensurate with his/her age and ability levels in one or more of the areas listed in item 2 below when provided with learning experiences appropriate for the individual's age and ability levels;

2) has a severe discrepancy between achievement and intellectual ability in one or more of the following areas;

a) oral expression,

b) listening comprehension,

c) written expression,

d) basic reading skill,

e) reading comprehension,

f) mathematics calculation, or

g) mathematics reasoning;

3) exhibits deficits in one or more of the basic learning processes of perception, memory and conceptualization; and that

4) the severe discrepancy between ability and achievement is NOT primarily the result of;

a) a visual, hearing, or motor handicap,

b) mental retardation,

c) emotional disturbance, or

d) environmental, cultural or economic disadvantage.

b. Documentation that the comprehensive evaluation includes:

1) information obtained from observation of the individual's academic performance in the regular classroom setting by at least one assessment team member other than the individual's regular teacher; or

2) for an individual of less than school age or out of school, observation of the individual in an environment appropriate for a child of that age.

c. State procedures to identify the learning disabled population will be established by January 1, 1984.

B. PROGRAM DELIVERY

1. Caseload

a. Regular Education Program with Modification

Assign no more than 20 students.

b. Regular Education Program with Resource Services

Assign no more than 20 students with a limit of six (6) during any one instructional period to a resource program.

c. Special Education Program: Self-Contained

1) Assign no more than eight students without a full-time aide.

2) Assign no more than 12 students with a full-time aide.

C. PROGRAM ASSURANCES (Refer to Common Regulations)

2.11 VISUALLY IMPAIRED

All common regulations apply to this program

A. PROGRAM DEFINITION

1. Definition of Population to be Served

   a. Visually impaired students have a physical deficiency in a visual acuity or a visual field limitation where, even with use of lenses or corrective devices, the child requires modification of instructional methods and materials or supplementary assistance in order to function and learn. Pupils identified as visually impaired include those with organic impairments such that there is no vision, or visual limitations, which after best correction result in educational handicaps requiring special services and/or materials.

   b. The term legally blind is defined for the purpose of these regulations as:

      A person is legally blind if he has central visual acuity of 20/200 or less in the better eye with correction or a visual field that subtends an angle of 20° or less.

   c. The term partially sighted will refer to any student who has a visual acuity greater than 20/200 with correction but less than 20/70 with correction.

2. Program of Study

   a. The curriculum of an effective program for the visually impaired is adapted from the general educational program to meet the individual needs of the visually impaired student. The required adaptations are to be based upon the student's developmental functioning level and readiness for learning.

3. Eligibility Criteria

   a. To be eligible for placement in a program for the visually impaired, a student must have an organic visual impairment verified by a licensed ophthalmologist or optometrist. This impairment must include one or more of the following criteria:

      1) Visual acuity - A measure of 20/70 or less in the better eye with best correction recorded in either far point or near point.

      2) Visual field limitation - Angle of vision is 20 degrees or less in the better eye.

3) Progressive eye disease - A deteriorating eye condition which will result in loss of visual efficiency, i.e., Glaucoma, Macular Degeneration.

4) Binocular Vision Problem (in conjunction with 20/70) - The inability of the two eyes to focus on one object and to fuse the two images into one, i.e., Strabismus, Diplopia.

b. In addition, these visual conditions must affect academic performance and require special services and/or materials.

c. Students placed in programs for the visually impaired shall receive an ophtnalmological or optometric evaluation every three years unless otherwise specified by an ophthalmologist or optometrist on the eye report.

B. PROGRAM DELIVERY

1. Caseload

a. Regular Education Program with Modification

Assign no more than 20 students.

b. Regular Education Program with Resource Services

1) Assign no more than 10 students.

2) Assign no more than five students during any one instructional period.

c. Special Education Program: Self-Contained

1) Assign no more than four students without a full-time aide.

2) Assign no more than eight students with a full-time aide.

2. Facilities

a. Physical mobility of pupils is considered in providing an environment which is barrier-free.

3. Instructional Materials, Equipment and Supplies

a. The materials and equipment necessary for pupil diagnosis, habilitation and evaluation include: consumable special instructional materials and supplies, special test kits and equipment, writing aids, braille and large print books, bold line paper, braille paper, educational games and workbooks, large print and recorded encyclopedias and dictionaries, tape recorders and tapes, talking book machines and aids for the totally blind; adjustable desks, book stands and low vision aids, or other mechanical and/or electronic aids shall be provided as specified in the Individualized Education Program.

C. PROGRAM ASSURANCES (Refer to Common Regulations)

40. Wisconsin

Chapter PI 11

RULES IMPLEMENTING SUBCHAPTER IV OF CHAPTER 115, WIS. STATS.

PI 11.01 Definitions
PI 11.02 Referral and screening
PI 11.03 Multidisciplinary team (s) (M-team)
PI 11.04 Placement process
PI 11.05 Exceptional education children records
PI 11.06 Hearings and appeals
PI 11.11 Director
PI 11.12 Assistant director
PI 11.13 Program supervisor - level A
PI 11.14 Program supervisor - level B
PI 11.15 Program support teacher
PI 11.16 School psychological services
PI 11.17 School social work services
PI 11.18 Educational services for school-age pregnant girls and mothers
PI 11.19 Supportive services: physical and occupational therapy
PI 11.20 Diagnostic teacher
PI 11.21 Self-contained complete program type
PI 11.22 Self-contained modified program type
PI 11.23 Self-contained integrated program type
PI 11.24 Resource room program type
PI 11.25 Itinerant program type
PI 11.26 Homebound instruction program type
PI 11.27 Program levels
PI 11.28 Non-complying districts
PI 11.29 Special education program aides
PI 11.31 Relationships with private sector
PI 11.32 M-team process
PI 11.33 Placement, student's individual educational program (IEP)
PI 11.34 Eligibility criteria
PI 11.35 Reimbursement

PI 11.01 Definitions. (1) LEGISLATIVE INTENT. The legislature recognized that many children and youth, 3 to 21 years of age, have not experienced appropriate educational opportunities because comprehensive services were not available through all public schools which were commensurate with their EEN. Subchapter IV, chapter 115, Wis. Stats. was enacted to ensure the identification of such needs and the development of services for children to appropriately serve these needs.

(2) BASIC TENETS. (a) All children and youth in the public and private sectors, who are in need of special education services, shall be identified. The legislature has specified that the identification process shall include screening, referral and M-team procedures.

(b) Section 115.76 (3), Wis. Stats. defines children and youth with EEN as: "'Child with exceptional educational needs' means any child who has a mental, physical, emotional or learning disability which, if the full potential of the child is to be attained, requires educational services to the child to supplement or replace regular education. Children with the following conditions, in addition to children with such other conditions as the state superintendent determines, may require educational services to supplement or replace regular education:

(a) Physical, crippling or orthopedic disability.

(b) Mental retardation or other developmental disabilities.

(c) Hearing impairment.

(d) Visual disability.

(e) Speech or language disability.

(f) Emotional disturbance.

(g) Learning disability.

(h) Pregnancy, including up to 2 months after the birth of the child or other termination of the pregnancy.

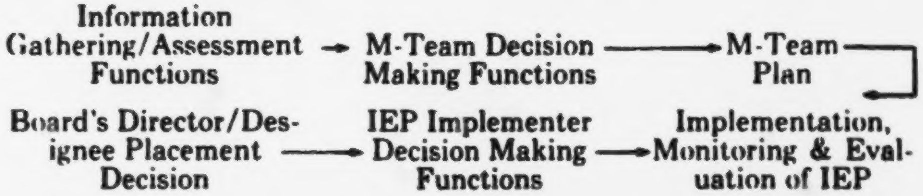
d. The objectives shall be evaluated upon attainment of the objectives or at the end of the school year.

(b) The special education teacher designated as having primary responsibility for the child's program shall be responsible for developing and revising the child's IEP.

(c) Special and regular education teachers and supportive staff working with the child shall assist in developing and revising the IEP.

(d) The IEP shall be a part of the student's behavioral records and shall be available upon request by the operating LEA from the district of residence, the teacher and the parent and the student if over 18 years.

(e) The rules in PI 11.32, PI 11.33 and PI 11.34 covering determination of eligibility, placement procedures and development of an IEP are summarized in Table I.


Information Gathering/Assessment Functions
M-Team Decision Making Functions
M-Team Plan
Board's Director/Designee Placement Decision
IEP Implementer Decision Making Functions
Implementation, Monitoring & Evaluation of IEP

The division recommends that whenever appropriate, the implementer of the IEP should also serve as an M-team member. This may result in shortening the time required to develop an IEP.

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77.

PI 11.34 Eligibility criteria. (1) STANDARDS. Children shall be determined to have a handicapping condition who have been identified, evaluated and classified as handicapped pursuant to PI 11.03, PI 11.32, PI 11.33 and PI 11.34. The minimum criteria for the determination of handicapping condition and eligibility for special education shall be consistent throughout the state.

(a) A transition period shall be provided for moving a child out of special education who upon re-evaluation does not meet criteria in the rules.

(2) HANDICAPPING CONDITION. Educational needs resulting primarily from poverty, neglect, delinquency, social maladjustment, cultural or linguistic isolation or inappropriate instruction are not included under subchapter IV, chapter 115, Wis. Stats.

(a) *Mental retardation.* 1. Mental retardation refers to significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior manifested during the developmental period. (AAMD definition—Grosman, 1973). (Standard deviation (S.D.) is used to signify variability from the mean. The mean is an average of the scores in a set; the standard deviation is an average of how distant the individual scores in a distribution are removed from the mean).

Table 1
Major considerations for determination of mental retardation
I. Measured intelligence

Mild	Moderate	Severe
-2 to -3 S.D.	-3 to -4 S.D.	-4 to -5 S.D.

Profound -6 S.D.

II. Adaptive functioning

A child is determined to be in the lower 2% of his or her age group on formal/informal criterions, scales and data in his or her ability to interact with others, manipulate objects and tools, move about in the environment and otherwise meet the demands and expectancies of the general society and environment. In addition, the child's adaptive abilities are in the lower 2% of his or her peer and age group on the reference criterion particular to his or her specific socio-cultural community.

III. Academic functioning

Age 3-5	1.5 years behind on normative language, perception and motor development criterion.
6-9	2 years or more below normal grade achievement expectancies in language, motor and basic skill subjects, e.g., reading and mathematics.
10-14	3.5 years or more below normal grade achievement expectancies in language, motor and basic skill subjects, e.g., reading and mathematics.
15-20	5th grade or below achievement in language, motor and basic skill subjects, e.g., reading and mathematics.

2. Children who test between -1 and -2 S.D. on individual intelligence tests, e.g., borderline intelligence (AAMD definition) may be determined to be mentally retarded on a selective basis if they:

a. Exhibit pervasive depressed mental development similar in nature to children testing below -2 S.D. on the normal curve and if they:

i. Have concomitant lags in cognitive, adaptive and achievement abilities.

ii. Have exhibited mental retardation as documented from their developmental and school history.

iii. Are expected to have the condition indefinitely.

3. In determining mental retardation the evaluators shall identify those children who are mentally retarded in conjunction with depressing socio-cultural influences.

4. A child with suspected developmental disabilities other than mental retardation shall be referred to an M-team for determination of other handicapping conditions and EEN.

Note: For example, a child with the suspected condition of epilepsy may be determined to be physically handicapped.

(b) *Physically handicapped.* 1. A physically handicapped child is one who has some physical defect such as affection of the joints or bones, disturbances of the neuromuscular mechanism, congenital deformities, cardiac condition, spastic and other acquired deformities. Such physical defects, organic diseases or conditions may hinder the child's achievement of normal growth and development.

(c) *Pregnancy.* 1. Medical verification that a girl is pregnant shall establish the disability and handicapping condition and the need for special education.

(d) *Visually handicapped.* A visual handicap is determined by functional visual efficiency including visual fields, ocular motility, binocular vision and accommodation. A visual handicap is determined by medical examination, e.g., by an ophthalmologist or optometrist.

1. Visual fields. a. Moderately visually handicapped means distance visual measurements of 20/70 and 20/200 in the better eye after correction. Near vision measurements of 14/56, e.g., Jaeger 10, or near vision equivalents.

b. Severely visually handicapped means distance visual measurements of 20/200 to 20/400 in the better eye after correction. Near vision measurements of 14/140, e.g., Jaeger 17, or near vision equivalents.

c. Profoundly visually handicapped means:

i. Distance visual measurements are 20/500 or less in the better eye after correction.

ii. HM - the ability to perceive hand movement.

iii. PLL - perceives and localizes light in one or more quadrants.

d. Totally blind means:

i. LP - perceives but does not localize light.

ii. No LP - no light perception.

e. Peripheral field and central vision loss means peripheral field so contracted that the widest diameter of such fields subtends an angular distance no greater than 50 degrees.

2. Ocular motility means loss of vision efficiency in either eye, due to double or binocular vision.

3. Lack of binocular vision means the inability to use the two eyes simultaneously to focus on the same object and to fuse the two images into a single image.

4. Lack of accommodation means the inability of the eye to hold a steady fixation for seeing at various distances, especially near.

5. Also included shall be diagnosed physical disabilities or handicapping conditions which may result in a visual handicap or affect visual functioning in the future.

(e) *Hearing handicapped.* 1. An auditory handicap is determined by medical (otologic) and audiologic evaluations. Examination shall be done by a physician specializing in diseases of the ear and evaluation by a certified clinical audiologist. The loss in hearing acuity affects the normal development of language and is a medically irreversible condition for which all medical interventions have been attempted. The hearing loss affects a child in varying degrees, depending on the time the loss was sustained.

a. The hard of hearing child means a child who, with a hearing aid, can develop a language system adequate to successful achievement and social growth. Audiological assessment should indicate at least a 30 db loss in the better ear in the speech range. Difficulty in understanding conversational speech as it takes place in a group necessitates special considerations.

b. Severely handicapped hearing child means a child who, with or without a hearing aid is unable to interpret adequately aural/oral communication. Audiological assessment indicates a minimum loss of 70 db in the better ear. Inability to discriminate all consonants and other difficulties appear as the loss becomes greater.

2. Characteristics of hearing impairment may not be readily apparent. Children react differently to similar losses and therefore an audiogram shall not be the sole criterion of significant EEN. Neither is the use or non-use of a hearing aid totally significant. Additional factors include inadequate, hesitant or no verbal communication, speech abnormality and, at times, aggressiveness due to misunderstanding. It is suggested that a continuing dialogue be maintained with the certified clinical audiologist in anticipation of a program recommendation.

(f) *Speech and language handicaps.* 1. Speech and language handicaps are characterized by a delay or deviance in the acquisition of prelinguistic skills, or receptive skills or expressive skills or both of oral communication. The handicapping condition does not include speech and language problems resulting from differences in paucity of or isolation from appropriate models.

a. Special considerations include:

i. Elective or selective mutism or school phobia shall not be included except in cooperation with programming for the emotionally disturbed.

ii. Documentation of a physical disability resulting in a voice problem, e.g., nodules, cleft palate, etc., or an expressive motor problem, e.g., cerebral palsy, dysarthria, etc., shall not require the determination of a handicapping condition in speech and language.

(g) *Learning disabilities.* 1. The handicapping condition of learning disabilities denotes severe and unique learning problems due to a disorder existing within the child which significantly interferes with the ability to acquire, organize or express information. These problems are manifested in school functioning in an impaired ability to read, write, spell or arithmetically reason or calculate.

2. Criteria for identification. The child shall meet the criteria in PI 11.34 (2) (g) 2. a. and b. to be considered as having the handicapping condition of learning disabilities.

a. Academic functioning. A child whose primary handicapping condition is due to learning disabilities shall exhibit a significant discrepancy between functional achievement and expected achievement. A significant discrepancy is defined as functional achievement at or below 50% (.5) of expected achievement.

i. The child when first identified, shall have a significant discrepancy in functional achievement in 2 or more of the readiness or basic skill areas of math, reading, spelling and written language. To determine a significant discrepancy in the readiness areas the M-team shall consider the child's receptive and expressive language and fine motor functioning. A significant discrepancy in the single area of math, accompanied by less significant, yet demonstrable discrepancies in other basic skill areas may satisfy the academic eligibility criteria.

ii. Functional achievement is defined as the child's instructional level in readiness and basic skill areas. Determination of functional achievement shall be based on a combination of formal and informal individualized tests, criterion - referenced measures, observations and an analysis of classroom expectations in basic skill areas.

iii. The following formula shall be used to determine expected achievement: I.Q. x years in school. Years in school is defined as the number of years of school completed since enrollment in 5-year-old kindergarten. A child who entered first grade without benefit of kindergarten should have a factor of one year added to that child's total years in school for computational purposes.

iv. The following formula yields a grade score to which the child's previously determined functional achievement level is compared. If the functional achievement level is at or below the grade score derived from the formula a significant discrepancy exists:

I.Q. x Years in School x .5 = Grade Score (50% of expected achievement). This formula is inappropriate for children who have not completed 2 years in school. Children entering kindergarten or first grade who are achieving in readiness areas one or more years below expected achievement levels for their chronological age may be considered as having a significant discrepancy between their functional and expected achievement. See Appendix J for examples.

v. A child whose functional achievement approaches but is not at or below 50% of expected achievement may be considered to have met the academic functioning criterion if the child demonstrates variable performance between the sub-skills required for each of the areas of reading, writing, spelling, arithmetical reasoning or calculation and if the child meets all the other criteria used to identify the handicapping condition of learning disabilities. This determination shall be based on the M-team's collective judgment and the rationale shall be documented in the M-team report.

vi. In attendance centers where the number of children functioning at or below 50% of expected achievement exceeds that which might be anticipated for the general population, additional efforts shall be made to substantiate that the child's functional achievement level is due to a disorder existing within the child and not due to those conditions enumerated in PI 11.34 (2).

vii. Evidence shall exist that the learning disabilities are primarily attributable to a deficit within the child's learning system. Such evidence may include average or above average ability in some areas. In documenting this in-child variability academic and non-academic behaviors shall be considered.

b. intellectual functioning. Children whose primary handicapping condition is due to learning disabilities shall exhibit normal or potential for normal intellectual functioning.

i. This measure of intellectual functioning may be established by a score above a minus one standard deviation on a single score intelligence instrument, or by a verbal or performance quotient of 90 or above on a multiple score intelligence instrument.

ii. The instrument used to establish this measure shall be recognized as a valid and comprehensive individual measure of intellectual functioning.

iii. If there is reason to suspect the test results are not true indices of a particular child's ability, then clarification of why the results are considered invalid shall be provided. Previous experience, past performance and other supportive data that intellectual functioning is average shall be present and documented in written form.

iv. There may exist rare cases of severe language involvement which detrimentally affect the learning disabled child's ability to perform adequately on intelligence tests given the language emphasis of these instruments. In these rare situations the importance of the intellectual criteria may be reduced given substantial evidence to indicate average ability.

3. Learning problems, when primarily due to the following, shall be excluded from consideration as learning disabilities:

a. The other handicapping conditions specified in section 115.76 (3), Wis. Stats.

b. Learning problems resulting from extended absence, continuous inadequate instruction, curriculum planning, or instructional strategies.

c. Discrepancies between ability and school achievement due to motivation.

d. Functioning at grade level but with potential for greater achievement.

(h) *Emotional disturbance*. 1. Classification of emotional disturbance as a handicapping condition is determined through a current, comprehensive study of a child, ages 0 through 20, by an M-team.

2. Emotional disturbance is characterized by emotional, social and behavioral functioning that significantly interferes with the child's total educational program and development including the acquisition or production, or both, of appropriate academic skills, social interactions, interpersonal relationships or intrapersonal adjustment. The condition denotes intraindividual and interindividual conflict or variant or deviant behavior or any combination thereof, exhibited in the social systems of school, home and community and may be recognized by the child or significant others.

3. All children may experience situational anxiety, stress and conflict or demonstrate deviant behaviors at various times and to varying degrees. However, the handicapping condition of emotional disturbance shall be considered only when behaviors are characterized as severe, chronic or frequent and are manifested in 2 or more of the child's social systems, e.g., school, home or community. The M-team shall determine the handicapping condition of emotional disturbance and further shall determine if the handicapping condition requires special education. The following behaviors, among others, may be indicative of emotional disturbance:

a. An inability to develop or maintain satisfactory interpersonal relationships.

b. Inappropriate affective or behavioral response to what is considered a normal situational condition.

c. A general pervasive mood of unhappiness, depression or state of anxiety.

d. A tendency to develop physical symptoms, pains or fears associated with personal or school problems.

e. A profound disorder in communication or socially responsive behavior, e.g., autistic-like.

f. An inability to learn that cannot be explained by intellectual, sensory or health factors.

g. Extreme withdrawal from social interaction or aggressiveness over an extended period of time.

h. Inappropriate behaviors of such severity or chronicity that the child's functioning significantly varies from children of similar age, ability, educational experiences and opportunities, and adversely affects the child or others in regular or special education programs.

4. The operational definition of the handicapping condition of emotional disturbance does not postulate the cause of the handicapping condition in any one aspect of the child's make-up or social systems.

5. The manifestations of the child's problems are likely to influence family interactions, relationships and functioning or have an influence on specific individual members of the family. It is strongly recommended that extensive family involvement or assistance be considered in the evaluation and programming of the child.

6. The handicapping condition of emotional disturbance may be the result of interaction with a variety of other handicapping conditions such as learning, physical or mental disabilities or severe communication problems including speech or language.

7. An M-team referral for suspected emotional disturbance may be indicated when certain medical or psychiatric diagnostic statements have been used to describe a child's behavior. Such diagnoses may include but not be limited to autism, schizophrenia, psychoses, psychosomatic disorders, school phobia, suicidal behavior, elective mutism or neurotic states of behavior. In addition, students may be considered for a potential M-team evaluation when there is a suspected emotional disturbance, who are also socially maladjusted, adjudged delinquent, dropouts, drug abusers or students whose behavior or emotional problems are primarily associated with factors including cultural deprivation, educational retardation, family mobility or socio-economic circumstances, or suspected child abuse cases.

(i) *Multiple handicapped.* 1. A multiple handicapped child is one who has 2 or more handicapping conditions leading to EEN which may require programming considerations and are determined by an M-team composed of specialists trained, certified and experienced in the teaching of children with the EEN.

2. A multiple handicapped child shall have the right to any and all educational, supportive and related services essential to a free appropriate public education based on the individual needs of the child.

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77.

PI 11.35 Reimbursement. (1) INTENT. Contingent upon prior receipt of the appropriate annual plan of services for each respective area, and operation of the program in accordance with section 115.88, Wis. Stats., and the rules, the superintendent shall authorize reimbursement for costs involved in operating and maintaining said program.

(a) The LEA shall submit, on appropriate financial claims for each program area such information and data as required by the division, for fiscal review and approval for reimbursement of the program through state general purpose revenue categorical aids.

(b) If required, the LEA shall submit any other reports, including evidence of compliance with the rules or federal and state statutes or both.

(2) REIMBURSEMENT FOR SPECIAL EDUCATION INSTRUCTIONAL/ ADMINISTRATIVE COSTS. (a) The rate of state aid reimbursement for each approved qualified licensed special education teacher and special education program aide shall be 70% of salary and fringe benefits pursuant to section 115.88 (1), Wis. Stats.

1. State categorical aids are currently on a sum certain basis, which means that if total fiscal claims exceed the annual appropriation requested by the department, proration shall take place.

2. The individual who spends less than full-time in special education services shall be reimbursed on a pro rata basis.

(b) An exception to PI 11.35 (2) (a) relates to special education teachers and special education program aides employed in hospitals or convalescent homes for physically and other health impaired children, wherein the board of the district in which the hospital or convalescent home is located shall be reimbursed for 100% of the actual costs incurred for instruction, pursuant to section 115.88 (4), Wis. Stats.

(c) Reimbursement for directors/supervisors. See PI 11.11 (3), PI 11.35 (2) (a) 1.

(3) Reimbursement for supportive services personnel. (a) Supportive services personnel shall include physical therapists, occupational therapists, and therapy aides.

Note: No other health treatment service shall be reimbursable.

1. The LEA shall receive 70% reimbursement of salaries and fringe benefits of these personnel. Refer to PI 11.35 (2) (a) 1.

2. See PI 11.19 (5) (d) Note for reimbursement for new program units. For continuing program units operating outside orthopedic schools a maximum of $400 per unit shall be allowed. Any exceptions to this limitation shall be negotiated in advance with the division program area supervisor. No limitation shall apply for orthopedic schools.

(4) Reimbursement for related services. (a) Related services means transportation services or others designated by the superintendent.

(b) Pursuant to section 115.88 (2), Wis. Stats. the excess costs involved in providing special additional transportation services required as part of the individual educational program shall be reimbursed to the LEA at 70% of the division approved claim after payment of general transportation aids.

1. Transportation, when required, to medical, vocational, or other community supportive services related to the individual educational program, shall meet the test of such additional or special transportation needs.

2. For EEN children, the 2 mile limitation for general transportation shall not apply.

(c) Any child attending regular classes who, upon medical prescription, requires special transportation shall receive such transportation. The LEA shall be reimbursed at 70% of the full cost after general transportation aids have been paid.

(5) Reimbursement for board and lodging. (a) Pursuant to section 115.88 (3), Wis. Stats., where board and lodging from Monday through Friday is used in lieu of transportation and transportation of non-resident children between the boarding home and the special education program is required, 100% of prior-approved claims shall be reimbursed to the operating district.

(6) Other reimbursable items. (a) Under the other expenses approved by the superintendent, LEAs shall receive reimbursement for more expensive equipment in those unique instances requiring special consideration.

(b) Approvals for reimbursement under this subsection shall be closely monitored and limited in number. LEAs shall make a special appeal for approval from the superintendent in these instances.

Note: State reimbursement of costs of tuition involved in private contracts is not authorized by statute at this time. Section 115.85 (2) (d), Wis. Stats., and chapter 39, laws of 1975 mandate that the district of residence shall pay tuition in these instances.

History: Cr. Register, May, 1977, No. 257, eff. 6-1-77.

EXCEPTIONAL EDUCATION
Information Update

Wisconsin Department of Public Instruction
125 South Webster Street • Box 7841 • Madison, Wisconsin 53707
Herbert J. Grover, State Superintendent
Division for Handicapped Children & Pupil Services
Victor J. Contrucci, Administrator

Bulletin No. 83.1

SUBJECT: MINIMUM/MAXIMUM ENROLLMENT CRITERIA FOR 1983-84

This bulletin is designed to inform local educational agencies of some modifications in the minimum/maximum ranges for various levels and types for exceptional education programs. Pursuant to PI 11.21(1)(c) of the Rules to Implement Subchapter V, Chapter 115, Wisconsin Statutes, the Wisconsin Department of Public Instruction, Division for Handicapped Children and Pupil Services (DHCPS) is responsible for the blication of minimum/maximum enrollment nges on an annual basis. We have anal- ed the various programming patterns within special education. These updates are based on that analysis. The ranges for a number of handicapping conditions covered by Subchapter V, Chapter 115, Wis. Stats., have been revised based upon this analysis.

Attached you will find, charted for each exceptional educational need program and multicategorical program models, minimum/maximum ranges for each type and level exclusive of the use of special education aides. Maximum enrollments should be perceived by the local educational agencies as the largest number of students to be served by that program type and level without special DHCPS approval. Enrollment figures are monitored by the DHCPS in the program approval process. If local educational agencies need to exceed certain maximums, they should be seeking advance approval for the utilization of special education aides or should be planning for e development of additional program its. On the other hand, the DHCPS recog- zes additional factors, such as pupil full-time equivalencies, the extent of integration into regular education classrooms, and secondary level scheduling as necessary elements in which to make pupil/teacher ratio decisions. Therefore, neg-

professional staff. Continued use of extended over-enrollments over a period of time will be subject to indepth review and in some cases could be considered for program disapproval. Variations and exceptions to these minimum/maximum enrollment ranges shall be reviewed by DHCPS staff prior to program approval.

These policies will be in effect in the 1983-84 school year for any ongoing or new units to be established at that time. It is the intent of the DHCPS to review and revise the enrollment ranges each January so that local educational agencies have sufficient lead time to do adequate budget projections. These ranges are to be used as a basis for negotiating approval for new or continuing programs with the appropriate DHCPS program supervisor. In addition, any reduction or discontinuation of a special education program must be approved through the appropriate program supervisor per s. 115.77 (4)(c), Wis. Stats.

rsc
5/83

MILD/BORDERLINE MENTALLY RETARDED

	Early Education	Primary	Inter-mediate	Elementary Wide Range	Middle/ Junior	Senior	Secondary Wide Range
Self-contained Complete (Min. 5)	7	~~7~~ 8	~~7~~ 9	7	~~7~~ 10	~~7~~ 12	~~7~~ 10
Self-contained Modified (Min. ~~7~~ 5)	9	9	~~9~~ 10	9	~~9~~ 11	~~9~~ 12	~~9~~ 10
Self-contained Integrated (Min. ~~9~~ 8)	12	12	~~12~~ 14	12	~~12~~ 15	~~12~~ 15	~~12~~ 15

Some agencies may have been reporting resource rooms in the mild/borderline area. These will be handled in the multi-categorical area.

MODERATE/SEVERE MENTALLY RETARDED

	Early Education	Primary	Inter-mediate	Elementary Wide Range	Middle/ Junior	Senior	Secondary Wide Range
Self-contained Complete (Min. ~~3~~ 4)	~~5~~ 6	~~5~~ 6	~~5~~ 6	~~5~~ 6	~~5~~ 7	~~5~~ 7	~~5~~ 6
Self-contained Modified (Min. ~~5~~ 4)	7	7	7	7	~~7~~ 8	~~7~~ 8	7
Self-contained Integrated (Min. ~~7~~ 5)	9	9	9	~~9~~ 7	9	9	~~9~~ 8

MINIMUMS AND MAXIMUMS MAY BE NEGOTIATED BY CONTACTING THE APPROPRIATE DHC SUPERVISOR IN ADVANCE OF PROGRAM IMPLEMENTATIO AND WITH JUSTIFIABLE RATIONALE.

NOTE: Where changes have been made, the old numbers have been struck and the new numbers indicated.

Population in moderate/severe/profound range has changed over the years, and experience has indicated that the normal increase in student population moving to secondary age levels do not hold true.

	Early Education	Primary	Intermediate	Elementary Wide Range	Middle/ Junior	Senior	Secondary Wide Range
Self-contained Complete (Min. ~~5~~ 4)	7	7	7	7	~~7~~ 8	~~7~~ 9	~~7~~ 9
Self-contained Modified (Min. ~~7~~ 4)	~~8~~ 7	8	8	8	8	~~8~~ 9	~~8~~ 9
Self-contained Integrated (Min. ~~9~~ 5)	~~12~~ 10	~~12~~ 10	12	~~10~~ 10	12	12	~~12~~ 11
Resource (Min. ~~13~~ 9)	--	~~15~~ 12	15	~~15~~ 13	15	15	~~15~~ 14

LEARNING DISABILITIES

	Early Education	Primary	Intermediate	Elementary Wide Range	Middle/ Junior	Senior	Secondary Wide Range
Self-contained Complete (Min. ~~5~~ 4)	7	7	7	~~7~~ 6	7	--	--
Self-contained Modified (Min. ~~7~~ 6)	9	9	9	~~9~~ 8	9	9	~~9~~ 8
Self-contained Integrated (Min. ~~9~~ 8)	~~12~~ 13	~~12~~ 13	~~12~~ 13	12	~~12~~ 13	~~10~~ 13	12
Resource (Min. ~~15~~ 12)	17	17	17	~~17~~ 16	~~17~~ 20	~~17~~ 20	17
Itinerant (Min. ~~12~~ 9)	N/A	15	~~20~~ 15	~~20~~ 15	~~20~~ 15	~~20~~ 15	~~20~~ 15

MINIMUMS AND MAXIMUMS MAY BE NEGOTIATED BY CONTACTING THE APPROPRIATE DHC SUPERVISOR IN ADVANCE OF PROGRAM IMPLEMENTA
AND WITH JUSTIFIABLE RATIONALE.

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*Based on daily service to each student.

VISION

	Primary	Inter-mediate	Elementary Wide Range	Middle/ Junior	Senior	Secondary Wide Range
Self-contained Complete (Min. 5)	~~5~~ 7	~~6~~ 7	7	~~8~~ 9	~~8~~ 9	~~7~~ 11
Self-contained Modified (Min. ~~7~~ 5)	~~7~~ 9	9	8	~~8~~ 10	~~8~~ 11	~~10~~ 11
Self-contained Integrated (Min. ~~9~~ 7)	~~9~~ 10	~~9~~ 10	9	~~9~~ 11	~~9~~ 12	~~10~~ 12
Resource (Min. ~~15~~ 8)	--	--	15	--	—	15
Itinerant (Min. ~~15~~ 8)	--	--	~~15~~ 12	--	--	~~15~~ 12

HEARING

	Early Education	Primary	Inter-mediate	Elementary Wide Range	Middle/ Junior	Senior	Secondary Wide Range
Self-contained Complete (Min. 4)	5	~~7~~ 9	~~10~~ 9	7	7	~~6~~ 7	7
Self-contained Modified (Min. 4)	~~4~~ 6	9	~~10~~ 9	7	7	7	10
Self-contained Integrated (Min. 4)	~~4~~ 6	9	10	~~9~~ 8	9	9	10
Resource (Min. 5)	--	10	10	~~10~~ 9	10	10	~~10~~ 9
Itinerant (Min. 5)	--	10	10	~~10~~ 9	10	10	9

MINIMUMS AND MAXIMUMS MAY BE NEGOTIATED BY CONTACTING THE APPROPRIATE DHC SUPERVISOR IN ADVANCE OF PROGRAM IMPLEMENTATION AND WITH JUSTIFIABLE RATIONALE. DEAF/BLIND PROGRAMS ARE TO BE NEGOTIATED SEPARATELY SINCE THERE ARE ONLY FOUR DEAF/BLIND UNITS IN WISCONSIN.

the new members indicated.

SPEECH/LANGUAGE

	Early Education	Primary	Inter-mediate	Middle/ Junior	Senior
Self-contained Complete (Min. 5)	12	15	--	--	--
Self-contained Integrated (Min. ~~9~~ 8)	15	15	--	--	--
Itinerant (Min. 15)	20	~~30~~ 35	~~30~~ 35	~~30~~ 40	~~30~~ 40

SCHOOL-AGE PREGNANT GIRLS AND MOTHERS

	Maximums
Classroom Based (Min. 8)	18
Resource/Itinerant ** (Min. 5)	8

MINIMUMS AND MAXIMUMS MAY BE NEGOTIATED BY CONTACTING THE APPROPRIATE DHC SUPERVISOR IN ADVANCE OF PROGRAM IMPLEM AND WITH JUSTIFIABLE RATIONALE.

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**Due to the spread and low incidence in various school districts, many of the programs are tailored to the specifi district with proration of teacher salary when less than minimum enrollments are approved. Itinerant SAM program shall ensure that students receive 2-3 hours of instruction per pupil/teacher contact, 2-3 times weekly.

PHYSICALLY HANDICAPPED*

	Early Education	Primary	Inter-mediate	Elementary Wide Range	Middle/ Junior	Senior	Secondary Wide Range
Self-contained Complete (Min. 5)	7	7	9	7	10	10	10
Self-contained Modified (Min. ~~7~~ 5)	9	9	~~11~~ 10	9	~~10~~ 11	12	~~10~~ 10
Self-contained Integrated (Min. ~~9~~ 7)	11	11	13	11	14	14	14

EARLY CHILDHOOD

3-5 Years

	Early Education
Self-contained Complete (Min. 5)	~~9~~ 10
Self-contained Integrated (Min. ~~9~~ 8)	12
Itinerant Home-Based (Min. ~~15~~ 7)	~~10~~ 12

Birth through Two

	Early Education
Self-contained Complete (Min. 4)	8
Self-contained Integrated (Min. 6)	10
Itinerant Home-Based (Min. 6)	10

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AND WITH JUSTIFIABLE RATIONALE.

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*Units frequently include children with other handicaps in addition to being physically handicapped. Experience in changing populations and inclusion of severely involved children necessitates one or more teacher aides in almost every instance.

MULTICATEGORICAL AND SNDS MODELS

*Multicategorical Programs

	Primary	Inter-mediate	Elementary Wide-Range	Middle/ Junior	Senior	Secondary Wide Range
Self-Contained Integrated (Min. 6)	10	12	10	13	13	11
Resource (Min. 10)	13	15	14	17	17	15

SNDS Programs

	Primary	Inter-mediate	Elementary Wide-Range	Middle/ Junior	Senior	Secondary Wide Range
Level I (Min. ~~12~~ 10)	~~15~~ 13	15	~~15~~ 13	17	17	~~17~~ 15
Level II (Min. 6)**	10	12	10	13	13	11

*Two EEN programs are taught by one teacher licensed in both areas.
**EEN teacher required to have at least dual licensure in special education.

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